

# FEDERAL REGISTER

VOLUME 13

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Washington, Thursday, July 22, 1948

## TITLE 3—THE PRESIDENT

### PROCLAMATION 2799

#### REGISTRATION

BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA

#### A PROCLAMATION

WHEREAS title I of the Selective Service Act of 1948, approved June 24, 1948, contains, in part, the following provisions:

Sec. 3. Except as otherwise provided in this title, it shall be the duty of every male citizen of the United States, and every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and twenty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner, as shall be determined by proclamation of the President and by rules and regulations prescribed hereunder.

Sec. 6. (a) Commissioned officers, warrant officers, pay clerks, enlisted men, and aviation cadets of the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service; cadets, United States Military Academy; midshipmen, United States Navy; cadets, United States Coast Guard Academy; members of the reserve components of the armed forces, the Coast Guard, and the Public Health Service, while on active duty; and foreign diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls, and other consular agents of foreign countries who are not citizens of the United States, and members of their families, and persons in other categories to be specified by the President, residing in the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 3 and shall be relieved from liability for training and service under section 4 (b).

(k) No exception from registration, or exemption or deferment from training and service, under this title, shall continue after the cause therefor ceases to exist.

#### SEC. 10.

(b) The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this title;

(5) to utilize the services of any or all departments and any and all officers or agents of the United States, and to accept the services of all officers and agents of the several States, Territories, and possessions, and subdivisions thereof, and the District of Columbia, and of private welfare organizations, in the execution of this title;

Sec. 15. (a) Every person shall be deemed to have notice of the requirements of this title upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 3.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by title I of the Selective Service Act of 1948, do proclaim the following:

1. The registration of male citizens of the United States and other male persons residing in the United States who shall have attained the eighteenth anniversary of the day of their birth and who shall have not attained the twenty-sixth anniversary of the day of their birth shall take place in the several States of the United States, the District of Columbia, the Territories of Alaska and Hawaii, Puerto Rico, and the Virgin Islands between the hours of 8:00 A. M. and 5:00 P. M. on the day or days hereinafter designated for their registration, as follows:

(a) Persons born in the year 1922 after August 30, 1922, shall be registered on Monday, the 30th day of August, 1948.

(b) Persons born in the year 1923 shall be registered on Tuesday, the 31st day of August, 1948, or on Wednesday, the 1st day of September, 1948.

(c) Persons born in the year 1924 shall be registered on Thursday, the 2nd day of September, 1948, or on Friday, the 3rd day of September, 1948.

(d) Persons born in the year 1925 shall be registered on Saturday, the 4th day of September, 1948, or on Tuesday, the 7th day of September, 1948.

(e) Persons born in the year 1926 shall be registered on Wednesday, the 8th day of September, 1948, or on Thursday, the 9th day of September, 1948.

(f) Persons born in the year 1927 shall be registered on Friday, the 10th day of September, 1948, or on Saturday, the 11th day of September, 1948.

(g) Persons born in the year 1928 shall be registered on Monday, the 13th day of

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September, 1948, or on Tuesday, the 14th day of September, 1948.

(h) Persons born in the year 1929 shall be registered on Wednesday, the 15th day of September, 1948, or on Thursday, the 16th day of September, 1948.

(i) Persons born in the year 1930 before September 19, 1930, shall be registered on Friday, the 17th day of September, 1948, or on Saturday, the 18th day of September, 1948.

(j) Persons who were born on or after September 19, 1930, shall be registered on the day they attain the eighteenth anniversary of the day of their birth, or within five days thereafter.

2. (a) Every male citizen of the United States and every other male person residing in the United States other than persons excepted by section 6 (a) of title I of the Selective Service Act of 1948, who is within any of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands and who shall have attained the eighteenth anniversary of the day of his birth and who shall have not attained the twenty-sixth anniversary of the day of his birth on the day or any of the days fixed herein for his registration is required to and shall on that day or any of those days present himself for and submit to registration before a duly designated registration official or selective service local board having jurisdiction in the area in which he has his permanent home or in which he may happen to be on that day or any of those days.

(b) A person subject to registration may register after the day or days fixed for registration in case he is prevented from registering on that day or any of those days by circumstances beyond his control or because he is not present in

any of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands, on that day or any of those days. If he is not in any of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands, he shall within five days after such entrance present himself for and submit to registration before a duly designated registration official or selective service local board. If he is in any of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands, on the day or any of the days fixed for registration but subsequently enters any of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands, he shall within five days after such entrance present himself for and submit to registration before a duly designated registration official or selective service local board. If he is in any of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands, on the day or any of the days fixed for registration but because of circumstances beyond his control is unable to present himself for and submit to registration on that day or any of those days he shall do so as soon as possible after the cause for such inability ceases to exist.

3. Every person subject to registration is required to familiarize himself with the rules and regulations governing registration and to comply therewith.

4. I call upon the Governors of each of the several States, the Territories of Alaska and Hawaii, Puerto Rico, and the Virgin Islands and the Board of Commissioners of the District of Columbia, and all officers and agents of the United States and all officers and agents of the several States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands, and the District of Columbia, and political subdivisions thereof, and all local boards which, and agents thereof who, may be appointed under the provisions of title I of the Selective Service Act of 1948, or the regulations which may be prescribed thereunder, to do and perform all acts and services necessary to accomplish effective and complete registration.

5. In order that there may be full cooperation in carrying into effect the purposes of title I of the Selective Service Act of 1948, I urge all employers and Government agencies of all kinds—Federal, State, territorial and local—to give those under their charge sufficient time in which to fulfill the obligations of registration incumbent upon them under the said Act and this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 20th day of July in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,  
Secretary of State.

[F. R. Doc. 48-6607; Filed, July 20, 1948;  
3:43 p. m.]

## PROCLAMATION 2800

### SUPPLEMENTAL QUOTA ON IMPORTS OF LONG-STAPLE COTTON

BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA  
A PROCLAMATION

WHEREAS pursuant to section 22 of the Agricultural Adjustment Act of 1933 as amended by section 31 of the act of August 24, 1935, 49 Stat. 750, 773, as amended by section 5 of the act of February 29, 1936, 49 Stat. 1148, 1152, and as reenacted by section 1 of the act of June 3, 1937, 50 Stat. 246 (7 U. S. C. 624), the President issued a proclamation on September 5, 1939 (No. 2351, 54 Stat. 2640), limiting the quantities of certain cotton and cotton waste which might be entered, which proclamation was suspended in part or modified by the President's proclamations of December 19, 1940 (No. 2450, 54 Stat. 2769), March 31, 1942 (No. 2544, 56 Stat. 1944), June 29, 1942 (No. 2560, 56 Stat. 1963), February 1, 1947 (No. 2715, 12 F. R. 823), and June 9, 1947 (No. 2734, 12 F. R. 3827); and

WHEREAS the said proclamation of September 5, 1939 provides that the total quantity of cotton having a staple of  $1\frac{1}{8}$  inches or more in length which may be entered, or withdrawn from warehouse, for consumption in any year commencing September 20 shall not exceed 45,656,420 pounds; and

WHEREAS the said limitations on the quantities of certain cotton and cotton waste which might be entered were imposed after a finding by the President, on the basis of an investigation and report of the United States Tariff Commission made under the provisions of the said section 22 of the Agricultural Adjustment Act of 1933, as amended, that such cotton and cotton waste were being imported into the United States under such conditions and in sufficient quantities as to tend to render ineffective or materially interfere with the program undertaken with respect to cotton under the Soil Conservation and Domestic Allotment Act, as amended; and

WHEREAS the imposition of the aforesaid annual quotas on cotton having a staple of  $1\frac{1}{8}$  inches or more in length was recommended by the United States Tariff Commission in its report (Report No. 137, 2d Series) in connection with which it was stated, in finding No. 5, that the quotas recommended "will prevent imports from interfering with the cotton program and at the same time will permit American industry to secure needed supplies of specialized types of cotton"; and

WHEREAS the total quantity of cotton having a staple of  $1\frac{1}{8}$  inches or more but less than  $1\frac{1}{16}$  inches in length which may be entered for consumption or withdrawn from warehouse for consumption under the said proclamation of September 5, 1939, as modified, during the quota year ending September 19, 1948, has already been entered, or withdrawn from warehouse, for consumption; and

WHEREAS pursuant to the said section 22 of the Agricultural Adjustment Act of 1933, as further amended by the acts of January 25, 1940, 54 Stat. 17, and July 3, 1948, Public Law 897, 80th Congress, the United States Tariff Commission has

made a supplemental investigation to determine whether the circumstances requiring the import quotas on cotton having a staple of  $1\frac{1}{8}$  inches or more in length continue to exist, or whether changed circumstances require the modification of the quotas for the quota year beginning September 20, 1947 or for subsequent quota years; and

WHEREAS in the course of the said supplemental investigation, after due notice, a public hearing was held on February 17, 1948, at which parties interested were given opportunity to be present, to produce evidence, and to be heard, and, in addition to the hearing, the Commission made such investigation as it deemed necessary for a full disclosure and presentation of the facts; and

WHEREAS the Commission has made findings of fact and has transmitted to me reports of such findings and its recommendations based thereon, together with a transcript of the evidence submitted at the hearing, and has also transmitted a copy of such reports to the Secretary of Agriculture; and

WHEREAS the Commission has recommended that an additional quantity not to exceed 18,000,000 pounds of cotton having a staple of  $1\frac{1}{8}$  inches or more but less than  $1\frac{1}{16}$  inches in length be permitted entry during the quota year ending September 19, 1948, and that imports under the supplemental quota should be permitted only to the extent that essential needs are found to exist, in order to enable domestic users to obtain their essential requirements for such cotton:

NOW, THEREFORE, I, Harry S. Truman, President of the United States of America, do hereby find and declare, on the basis of the investigation and reports of the United States Tariff Commission, that changed circumstances require the modification of the said proclamation of September 5, 1939 so as to permit the entry for consumption, or withdrawal from warehouse for consumption, during the quota year ending September 19, 1948, of such additional quantity of cotton having a staple of  $1\frac{1}{8}$  inches or more but less than  $1\frac{1}{16}$  inches in length as shall be found by the Tariff Commission to be essential, up to a total of 18,000,000 pounds, in addition to the quantity of such cotton the entry of which has already been made under the said proclamation of September 5, 1939, during the said quota year, which additional quantity I find should be permitted entry in order to carry out the purposes of section 22 of the Agricultural Adjustment Act of 1933 as amended. Accordingly, pursuant to said section 22 of the Agricultural Adjustment Act of 1933 as amended, I hereby modify the said proclamation of September 5, 1939 (No. 2351) so as to permit during the quota year ending September 19, 1948, the entry for consumption, or withdrawal from warehouse for consumption, of such additional quantity of cotton having a staple of  $1\frac{1}{8}$  inches or more but less than  $1\frac{1}{16}$  inches in length as shall be found by the Tariff Commission to be essential, up to a total of 18,000,000 pounds: *Provided*, That no portion of such additional quantity of cotton shall be permitted entry for consumption, or withdrawal from ware-

house for consumption, except by or for the account of a person or firm engaged in cotton manufacturing to whom the said Tariff Commission has issued a license and subject to the limitations specified in such license.

I hereby find and declare that such additional quantity may be entered for consumption, or withdrawn from warehouse for consumption, during such quota year without rendering or tending to render ineffective or materially interfering with the domestic program undertaken with respect to cotton, or reducing substantially the amount of any product processed in the United States from cotton produced in the United States.

The Tariff Commission is authorized to adopt such procedure and rules and regulations as will assure the equitable distribution of the additional permissible quantity of cotton among essential users whose current supplies of such cotton are inadequate.

This proclamation shall become effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twentieth day of July in the year of our Lord nineteen hundred and [SEAL] forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,  
Secretary of State.

[F. R. Doc. 48-6642; Filed, July 21, 1948;  
11:19 a. m.]

## EXECUTIVE ORDER 9979

PRESCRIBING PORTIONS OF THE SELECTIVE SERVICE REGULATIONS AND AUTHORIZING THE DIRECTOR OF SELECTIVE SERVICE TO PERFORM CERTAIN FUNCTIONS OF THE PRESIDENT UNDER THE SELECTIVE SERVICE ACT OF 1948

By virtue of the authority vested in me by title I of the Selective Service Act of 1948, approved June 24, 1948, it is ordered as follows:

1. I hereby prescribe the following portions of the regulations governing the administration of title I of the said Act, which shall constitute portions of parts 602, 603, 604, 606, 609, 611, 612, and 617 of title 32, chapter VI, Code of Federal Regulations, such regulations to be known as the Selective Service Regulations:

### PART 602—DEFINITIONS

Sec.	Definitions to govern.
602.1	Definitions to govern.
602.2	Aliens.
602.3	County.
602.4	Delinquent.
602.5	Governor.
602.6	Inducted man.
602.7	Induction station.
602.8	Military service.
602.9	Registrant.
602.10	Selective service law.
602.11	State.
602.12	Singular and plural.

§ 602.1 *Definitions to govern.* The definitions contained in section 16 of title I of the Selective Service Act of 1948 and the definitions contained in this part shall govern in the interpretation of the Selective Service Regulations.

§ 602.2 *Aliens.* (a) The term "alien" means any person who is not a national of the United States.

(b) The term "national of the United States" means (1) a citizen of the United States or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

§ 602.3 *County.* The word "county" includes, where applicable, counties, independent cities, and similar subdivisions, such as the independent cities of Virginia, the parishes of Louisiana, and the towns of the New England States.

§ 602.4 *Delinquent.* A "delinquent" is a person required to be registered under the selective service law who fails or neglects to perform any duty required of him under the provisions of the selective service law.

§ 602.5 *Governor.* The word "Governor" includes, where applicable, the Governor of each of the States of the United States, the Governor of the Territory of Alaska, the Governor of the Territory of Hawaii, the Board of Commissioners of the District of Columbia, the Governor of Puerto Rico, and the Governor of the Virgin Islands of the United States.

§ 602.6 *Inducted man.* An "inducted man" is a man who has become a member of the armed forces through the operation of the Selective Service System.

§ 602.7 *Induction station.* The term "induction station" refers to any camp, post, ship, or station at which registrants who have been designated by a local board to fill a call are received by the military authorities and, if found acceptable, are inducted into military service.

§ 602.8 *Military service.* The term "military service" includes service in the Army, the Air Force, the Navy, and the Marine Corps.

§ 602.9 *Registrant.* Except as otherwise specifically provided, a "registrant" is a person registered under the selective service law.

§ 602.10 *Selective service law.* The term "selective service law" includes title I of the Selective Service Act of 1948 and all rules and regulations issued thereunder.

§ 602.11 *State.* The word "State" includes, where applicable, the several States of the United States, the City of New York, the Territory of Alaska, the Territory of Hawaii, the District of Columbia, Puerto Rico, and the Virgin Islands of the United States.

§ 602.12 *Singular and plural.* Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular, except where the context clearly indicates otherwise.

### PART 603—SELECTIVE SERVICE PERSONNEL IN GENERAL

Sec.	Citizenship.
603.1	Citizenship.
603.2	Voluntary services.
603.3	Uncompensated services.
603.4	Oath of office and other forms.
603.5	Termination of appointment.
603.6	Removal.
603.7	Suspension.
603.8	Vacancies.

§ 603.1 *Citizenship.* No person shall be appointed to any position, either compensated or uncompensated, in the Selective Service System who is not a citizen of the United States.

§ 603.2 *Voluntary services.* Voluntary services in the administration of the selective service law may be accepted and should be encouraged.

§ 603.3 *Uncompensated services.* The services of registrars (except as the Director of Selective Service may otherwise provide), members of local boards, members of appeal boards, government appeal agents and associate government appeal agents, medical advisors to the local boards, medical advisors to the State Directors of Selective Service, advisors to registrants, interpreters, and all other persons volunteering their services to assist in the administration of the selective service law shall be uncompensated, and no such person serving without compensation shall accept remuneration from any source for services rendered in connection with selective service matters.

§ 603.4 *Oath of office and other forms.* (a) Every person who undertakes to render voluntary uncompensated service in the administration of the selective service law shall, before he enters upon his duties, execute an Oath of Office and Waiver of Pay (SSS Form No. 400).

(b) Every person who undertakes to render compensated service in the administration of the selective service law shall execute an oath of office in the form prescribed by the United States Civil Service Commission, Standard Form No. 61.

(c) Compensated and uncompensated personnel appointed for duty in the Selective Service System shall execute such other forms as are required by law, Executive order of the President, the regulations of the United States Civil Service Commission, or the Director of Selective Service.

(d) When executed in the manner hereinbefore provided, the Oath of Office and Waiver of Pay (SSS Form No. 400) and such other forms as may be required shall be filed in accordance with instructions issued by the Director of Selective Service.

§ 603.5 *Termination of appointment.* The appointment of any deputy, officer, agent, employee, or other person engaged in the administration of the selective service law, whether with or without compensation, may be terminated by resignation, death, or removal, or, in appropriate cases, by transfer or retirement.

§ 603.6 *Removal.* (a) Any person, other than a compensated civilian of-

ficer or employee, engaged in the administration of the selective service law may be removed by the Director of Selective Service. The Governor may recommend to the Director of Selective Service the removal, for cause, of any person engaged in the administration of the selective service law in his State. The Director of Selective Service shall make such investigation of the Governor's recommendation as he deems necessary and upon completion thereof shall take such action thereon as he deems proper.

(b) Any compensated civilian officer or employee engaged in the administration of the selective service law may be removed in accordance with the rules and regulations of the United States Civil Service Commission.

§ 603.7 *Suspension.* The Director of Selective Service may suspend any deputy, officer, agent, employee, or other person engaged in the administration of the selective service law, pending his consideration of the advisability of removing any such person. Suspensions of persons entitled to veterans' preference under the Veterans' Preference Act of 1944, as amended, shall be in accordance with the regulations prescribed by the United States Civil Service Commission pursuant to that Act. During the period that any such person is suspended, he shall be disqualified to act in his official capacity.

§ 603.8 *Vacancies.* Vacancies may be filled in accordance with instructions issued by the Director of Selective Service.

#### PART 604—SELECTIVE SERVICE OFFICERS

##### NATIONAL ADMINISTRATION

Sec.  
604.1 Director of Selective Service.

##### STATE ADMINISTRATION

604.11 Governor.  
604.12 State Director of Selective Service.  
604.13 State Director of Selective Service for New York City.  
604.14 Staff of State Headquarters for Selective Service.

##### APPEAL BOARDS

604.21 Area.  
604.22 Composition and appointment.  
604.24 Jurisdiction.

##### MEDICAL ADVISORS TO THE STATE DIRECTORS OF SELECTIVE SERVICE

604.31 Medical advisors to the State Directors of Selective Service.

##### ADVISORS TO REGISTRANTS

604.41 Appointment and duties.

##### LOCAL BOARDS

604.51 Area.  
604.52 Composition and appointment.  
604.54 Jurisdiction.

##### MEDICAL ADVISORS TO THE LOCAL BOARDS

604.61 Medical advisors to the local boards.

##### GOVERNMENT APPEAL AGENTS

604.71 Appointment and duties.

##### NATIONAL ADMINISTRATION

§ 604.1 *Director of Selective Service.* The Director of Selective Service shall be responsible directly to the President. The Director of Selective Service is hereby authorized and directed:

(a) To prescribe such rules and regulations as he shall deem necessary for the

administration of the Selective Service System, the conduct of its officers and employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property.

(b) To issue such public notices, orders, and instructions as shall be necessary for carrying out the functions of the Selective Service System.

(c) To obligate and authorize expenditures from funds appropriated for carrying out the functions of the Selective Service System.

(d) To appoint, and to fix, in accordance with the Classification Act of 1923, as amended, so far as applicable, the compensation of, such officers, agents, and employees as shall be necessary for carrying out the functions of the Selective Service System.

(e) To procure such space as he may deem necessary for carrying out the functions of the Selective Service System by lease pursuant to existing statutes except that the provisions of the act of June 30, 1932 (47 Stat. 412), as amended by section 15 of the act of March 3, 1933 (47 Stat. 1517; 40 U. S. C. 278a), shall not apply to any lease so entered into.

(f) To perform such other duties as shall be required of him under the selective service law or which may be delegated to him by the President.

(g) To delegate any of his authority to such officers, agents, or persons as he may designate, and to provide for the subdelegation of any such authority.

##### STATE ADMINISTRATION

§ 604.11 *Governor.* The Governor of each State is authorized to recommend a person to be appointed by the President as State Director of Selective Service for his State, who shall represent the Governor in all selective service matters.

§ 604.12 *State Director of Selective Service.* Subject to the direction and control of the Director of Selective Service, the State Director of Selective Service for each State shall be in immediate charge of the State Headquarters for Selective Service and shall be responsible for carrying out the functions of the Selective Service System in his State. The State Headquarters for Selective Service shall be an office of record for selective service operations only, and no records other than selective service records shall be maintained in such office.

§ 604.13 *State Director of Selective Service for New York City.* The Governor of the State of New York is authorized to recommend a person to be appointed by the President as State Director of Selective Service for New York City, who shall represent the Governor in all selective service matters within the City of New York. Subject to the direction and control of the Director of Selective Service, the State Director of Selective Service for New York City, if so appointed, shall be in immediate charge of the State Headquarters for Selective Service for New York City and shall be responsible for carrying out the functions of the Selective Service System within the City of New York. If a State Director of Selective Service for New York City be so appointed, the State

Director of Selective Service for the State of New York shall have no jurisdiction in selective service matters within the City of New York. The State Headquarters for Selective Service for New York City shall be an office of record for selective service operations only, and no records other than selective service records shall be maintained in such office.

§ 604.14 *Staff of State Headquarters for Selective Service.* (a) Subject to applicable law and within the limits of available funds the staff of each State Headquarters for Selective Service shall consist of as many officers, either military or civilian, as shall be authorized by the Director of Selective Service.

(b) In accordance with limitations imposed by the Director of Selective Service, the State Director of Selective Service is authorized to appoint such civilian personnel as he considers are required in the operation of the State Headquarters for Selective Service.

##### APPEAL BOARDS

§ 604.21 *Area.* Each State Director of Selective Service shall establish one appeal board area which shall comprise the entire State, except if a Director of Selective Service for New York City is appointed one appeal board area shall be established for the entire State of New York excepting the City of New York, and an additional appeal board area shall be established for the City of New York.

§ 604.22 *Composition and appointment.* For each appeal board area an appeal board, normally of five members, shall be appointed by the President, upon recommendation of the Governor. The members shall be male citizens of the United States who are not members of the armed forces or any reserve component thereof; they shall be residents of the area in which their board is appointed; and they shall be at least 30 years old. The appeal board should be a composite board, representative of the activities of its area, and as such should include one member from labor, one member from industry, one physician, one lawyer, and, where applicable, one member from agriculture. If the number of appeals sent to the board becomes too great for the board to handle without undue delay, additional panels of five members similarly constituted shall be appointed to the board by the President, upon recommendation of the Governor. Each such panel shall have full authority to act on all cases assigned to it. Each panel shall act separately. The State Director of Selective Service shall coordinate the work of all the panels to effect an equitable distribution of the work load.

§ 604.24 *Jurisdiction.* The appeal board shall have jurisdiction to review and to affirm or change any decision appealed to it from any local board in its area or any decision appealed from any local board not in its area when such appeal is either transferred to it in the manner provided in these regulations, or is appealed to it by or on behalf of any registrant whose principal place of employment is located in its area or sub-

mitted to it in the manner required by law.

#### MEDICAL ADVISORS TO THE STATE DIRECTORS OF SELECTIVE SERVICE

§ 604.31 *Medical advisors to the State Directors of Selective Service.* The President may appoint, upon recommendation of the Governor, from qualified physicians, one or more medical advisors to each State Director of Selective Service. It shall be the duty of such medical advisors to furnish such advice concerning the physical and mental condition of registrants as the State Director of Selective Service may require.

#### ADVISORS TO REGISTRANTS

§ 604.41 *Appointment and duties.* Advisors to registrants shall be appointed by the Director of Selective Service upon recommendation of the State Director of Selective Service to advise and assist registrants in the preparation of questionnaires and other selective service forms and to advise registrants on other matters relating to their liabilities under the selective service law. Every person so appointed should be at least 30 years of age. The names and addresses of advisors to registrants within the local board area shall be conspicuously posted in the local board office.

#### LOCAL BOARDS

§ 604.51 *Areas.* The State Director of Selective Service for each State shall divide his State into local board areas. Normally, no such area should have a population exceeding 100,000. There shall be at least one separate local board area in each county; provided, that an intercounty local board may be established for an area not exceeding five counties within a State when the Director of Selective Service determines after considering the public interest involved and the recommendation of the Governor that the establishment of such local board area will result in a more efficient and economical operation.

§ 604.52 *Composition and appointment.* (a) A local board of three or more members shall be appointed for each local board area by the President upon recommendation of the Governor.

(b) A local board of three or more members, with at least one member from each county included within the intercounty local board area, shall be appointed for each intercounty local board area by the President upon recommendation of the Governor.

(c) The members of local boards shall be male citizens of the United States who shall be residents of a county in which their local board has jurisdiction and who shall also, if at all practicable, be residents of the area in which their local board has jurisdiction. No member of a local board shall be a member of the armed forces or any reserve component thereof. Members of local boards shall be at least 30 years of age.

§ 604.54 *Jurisdiction.* The jurisdiction of each local board shall extend to all persons registered in, or subject to registration in, the area for which it was appointed. It shall have full authority to

do and perform all acts within its jurisdiction authorized by the selection service law.

#### MEDICAL ADVISORS TO THE LOCAL BOARDS

§ 604.61 *Medical advisors to the local boards.* The President may appoint for each local board, from qualified physicians recommended by the Governor, one or more medical advisors to advise the local board regarding the physical and mental condition of its registrants. The State Director of Selective Service may authorize any duly appointed medical advisor to a local board to perform such functions for any local board within the State.

#### GOVERNMENT APPEAL AGENTS

§ 604.71 *Appointment and duties.* (a) For each local board a government appeal agent shall be appointed by the President upon recommendation of the Governor.

(b) One or more associate government appeal agents may be appointed by the President for each local board when either the government appeal agent appointed for that board or the local board requests such assistance and the Governor, being of the opinion that the circumstances warrant such action, recommends appointment. Whenever an intercounty local board is established an associate government appeal agent shall be appointed by the President, upon recommendation of the Governor, for each county included within the local board area.

(c) Each government appeal agent and associate government appeal agent shall, whenever possible, be a person with legal training and experience and shall not be a member of the armed forces or any reserve component thereof.

(d) It shall be the duty of the government appeal agent and in his absence or inability to act or at his direction, the duty of the associate government appeal agent:

(1) To expeditiously examine the records of registrants who have been classified by the local board in order that appeals to the appeal board, when found necessary, may be filed within the time limit specified by the regulations, and to appeal, as prescribed by the regulations, from any classification by a local board which, in his opinion, should be reviewed by the appeal board.

(2) To attend such local board meetings as the local board may request him to attend.

(3) To suggest to the local board a reopening of any case where the interests of justice, in his opinion, require such action and to submit to the local board, with such suggestion, the information obtained by his investigation of the case which has caused him to arrive at his decision that the case should be reconsidered.

(4) To render such assistance to the local board as it may request by advising the members and interpreting for them laws, regulations, and other directives.

(5) To be equally diligent in protecting the interests of the Government and the rights of the registrant in all matters.

#### PART 606—GENERAL ADMINISTRATION

##### SELECTIVE SERVICE FORMS

Sec.

606.51 Forms made part of regulations.

##### SELECTIVE SERVICE FORMS

§ 606.51 *Forms made part of regulations.* (a) All forms and revisions thereof referred to in these or any new or additional regulations, or in any amendment to these or such new or additional regulations, and all forms and revisions thereof prescribed by the Director of Selective Service shall be and become a part of these regulations in the same manner as if each form, each provision therein, and each revision thereof were set forth herein in full. Whenever in any form or in the instructions printed thereon, any person shall be instructed or required to perform any act in connection therewith, such person is hereby charged with the duty of promptly and completely complying with such instruction or requirement.

(b) The Director of Selective Service, as to such persons or agencies as he designates, may waive any requirement that any form be notarized or sworn to.

#### PART 609—EXPENDITURES OTHER THAN FOR PERSONAL SERVICES

##### EMERGENCY MEDICAL CARE, HOSPITALIZATION AND TRANSPORTATION AND BURIAL OF REMAINS

Sec.

609.51 Claims.

##### EMERGENCY MEDICAL CARE, HOSPITALIZATION, AND TRANSPORTATION AND BURIAL OF REMAINS

§ 609.51 *Claims.* (a) Funds appropriated for the operation and maintenance of the Selective Service System shall be available for payment of actual and reasonable expenses of (1) emergency medical care, including hospitalization of registrants who suffer illness or injury, and (2) the transportation and burial of the remains of registrants who suffer death, while acting under orders issued by or under the authority of the Director of Selective Service, but the expenses of burial, including preparation of the body, shall not exceed \$150 in any one case.

(b) The term "emergency medical care, including hospitalization" as used in this section shall be construed to mean such medical care or hospitalization that normally must be rendered promptly after occurrence of the illness or injury as a result of which it is required, and discharged by a physician or facility subsequent to such medical care or hospitalization shall prima facie terminate the period of emergency.

(c) The death of a registrant shall be deemed to have occurred while acting under orders issued by or under the authority of the Director of Selective Service if it results directly from an illness or injury suffered by the registrant while so acting and occurs prior to the completion of an emergency medical care, including hospitalization, occasioned by such illness or injury.

(d) Claims for payment of expenses incurred for the purposes set forth in paragraph (a) of this section shall be presented to the State Director of Selec-

# RULES AND REGULATIONS

tive Service of the State in which the expenses were incurred, who shall determine whether the claim shall be allowed or disallowed, in whole or in part, subject to appeal within 60 days to the Director of Selective Service.

(e) Payment of such claims when allowed shall be made only (1) directly to the person or facility with which the expenses were incurred, or (2) by reimbursement to the registrant, a relative of the registrant, or the legal representative of the registrant's estate, for original payment of such expenses.

(f) No such claim shall be paid unless it is presented within the period of one year from the date on which the expenses were incurred.

(g) No such claim shall be allowed in case it is determined that the cause of injury, illness, or death was due to negligence or misconduct of the registrant.

## PART 611—DUTY AND RESPONSIBILITY TO REGISTER

Sec.

- 611.1 Duty to be registered.
- 611.2 Change of status.
- 611.3 Registration of men separated from armed forces.
- 611.4 Registration of certain persons entering the United States.
- 611.5 Inmate of institution.
- 611.6 Responsibility for performance of duty.

§ 611.1 *Duty to be registered.* (a) Section 3 of title I of the Selective Service Act of 1948 requiring certain persons to present themselves for and submit to registration reads as follows:

Except as otherwise provided in this title, it shall be the duty of every male citizen of the United States, and every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and twenty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner, as shall be determined by proclamation of the President and by rules and regulations prescribed hereunder.

(b) Section 6 (a) of title I of the Selective Service Act of 1948 providing that certain persons are not required to be registered so long as they have a certain status reads as follows:

Commissioned officers, warrant officers, pay clerks, enlisted men, and aviation cadets of the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service; cadets, United States Military Academy; midshipmen, United States Navy; cadets, United States Coast Guard Academy; members of the reserve components of the armed forces, the Coast Guard, and the Public Health Service, while on active duty; and foreign diplomatic representatives, technical attaches of foreign embassies and legations, consuls general, consuls, vice consuls, and other consular agents of foreign countries who are not citizens of the United States, and members of their families, and persons in other categories to be specified by the President, residing in the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 3 and shall be relieved from liability for training and service under section 4 (b).

(c) On the day or days and between the hours fixed for registration by Presidential proclamation, every man required to do so under the foregoing provisions shall present himself for and submit to registration before a duly designated registration official or the local board having jurisdiction in the area in which he has his permanent home or in which he may happen to be on that day or any of those days.

§ 611.2 *Change of status.* Except as otherwise provided in section 611.3 of this part, every man who would have been required to be registered on a day or one of the days fixed for registration by Presidential proclamation except for the fact that he was in one of the groups mentioned in section 6 (a) of title I of the Selective Service Act of 1948, shall be required, under the provisions of section 6 (k) of title I of the Selective Service Act of 1948 to present himself for and submit to registration before a local board when a change in his status removes him from such group.

§ 611.3 *Registration of men separated from armed forces.* Every man who (a) has been separated from active service in the armed forces, the Coast Guard, the Coast and Geodetic Survey, or the Public Health Service, (b) has not been registered prior to such separation, and (c) would have been required to be registered except for the fact that he was in such active service on the day or days fixed for his registration by Presidential proclamation, shall present himself for and submit to registration before a local board within the period of 30 days following the date on which he was so separated.

§ 611.4 *Registration of certain persons entering the United States.* (a) Every male person who would have been required to register on any day or days fixed for registration by Presidential proclamation had he been within the United States and who thereafter enters the United States shall present himself for and submit to registration before a local board within the period of five days following the date on which he enters the United States.

(b) Every male person, other than a person referred to in paragraph (a) of this section and a person excepted from registration by section 6 (a) of title I of the Selective Service Act of 1948, who enters the United States subsequent to the day or days fixed by Presidential proclamation for the registration of persons of his age, shall present himself for and submit to registration before a local board within the period of 90 days following the date on which he enters the United States.

§ 611.5 *Inmate of institution.* Unless he has already been registered, every person subject to registration who is an inmate of an insane asylum, jail, penitentiary, reformatory, or similar institution shall be registered on the day he leaves the institution.

§ 611.6 *Responsibility for performance of duty.* (a) Every person subject to registration is required to familiarize himself with the rules and regulations

governing registration and to comply therewith.

(b) Every person is deemed to have notice of the requirements of title I of the Selective Service Act of 1948 and of the rules and regulations prescribed thereunder upon the publication by the President of a proclamation or other public notice fixing a time for registration.

(c) Every person who, on the day or one of the days fixed for registration, is required to be registered is personally charged with the duty of presenting himself before the proper officials and submitting to registration.

(d) The duty of every person subject to registration to present himself for and submit to registration shall continue at all times, and if for any reason any such person is not registered on the day or one of the days fixed for his registration, he shall immediately present himself for and submit to registration before the local board in the area where he happens to be.

(e) Persons required to present themselves for and submit to registration shall not be paid for performing such obligation nor shall they be paid travel allowances or expenses.

## PART 612—REGISTRATION DUTIES

### NATIONAL DUTIES

Sec.

- 612.1 Responsibility of Director of Selective Service.

### NATIONAL DUTIES

§ 612.1 *Responsibility of Director of Selective Service.* Whenever the President by proclamation or other public notice fixes a day or days for registration, the Director of Selective Service shall take the necessary steps to prepare for registration and, on the day or days fixed, shall supervise the registration of those persons required to present themselves for and submit to registration. The Director of Selective Service shall also arrange for and supervise the registration of persons who present themselves for registration at times other than on the day or days fixed for any registration.

## PART 617—REGISTRATION CERTIFICATE

### IN GENERAL

Sec.

- 617.1 Effect of failure to have Registration Certificate in personal possession.

### IN GENERAL

§ 617.1 *Effect of failure to have Registration Certificate in personal possession.* Every person required to present himself for and submit to registration must have a Registration Certificate (SSS Form No. 2) in his personal possession at all times. The failure of any person to have such Registration Certificate (SSS Form No. 2) in his personal possession shall be prima facie evidence of his failure to register.

2. The Director of Selective Service is hereby authorized to appoint, and to fix, in accordance with the Classification Act of 1923, as amended, the compensation of, State Directors of Selective Service and to appoint members of local boards,

members of appeal boards, medical advisors to the State Directors of Selective Service, medical advisors to the local boards, government appeal agents, and associate government appeal agents provided for in Part 604, *Selective Service Officers*, of the Selective Service Regulations.

HARRY S. TRUMAN

THE WHITE HOUSE,  
July 20, 1948.

[F. R. Doc. 48-6608; Filed, July 20, 1948;  
4:10 p. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter I—Farm Credit Administration, Department of Agriculture

#### PART 11—NATIONAL FARM LOAN ASSOCIATIONS

##### PROHIBITED ACTS BY NATIONAL FARM LOAN ASSOCIATION PERSONNEL

Title 6, Chapter I, Part 11, Code of Federal Regulations, is amended by adding thereto the following sections:

Sec.

- 11.1051 General regulations.
- 11.1052 Cases involving trivial interest or relationship.
- 11.1053 Application of rule stated in § 11.1052.

AUTHORITY: §§ 11.1051 to 11.1053, inclusive, issued under sec. 17, 39 Stat. 375, sec. 6, 47 Stat. 14; 12 U. S. C. 665, 831.

§ 11.1051 *General regulations.* Except as specifically authorized by law or rules and regulations promulgated thereunder, no officer, employee, or agent of a national farm loan association:

(a) Shall, in any manner directly or indirectly, participate in the deliberation upon, or the determination of, any question affecting his personal interests, those of any person related to him by blood or marriage, or those of any partnership, association, or any corporation in which he is directly or indirectly interested;

(b) Shall divulge to another person, except in the performance of his official duties, or utilize for his personal benefit or that of another, any fact or information acquired by such officer, employee, or agent, directly or indirectly, by virtue of his employment;

(c) Shall speculate, directly or indirectly, in any agricultural commodity or product thereof, or in contracts relating thereto, or in the stock or membership interests of any association or corporation engaged in handling, processing, or disposing of any such commodity or product;

(d) Shall, by any agreement or arrangement whatever, divide or share, directly or indirectly, with another person any compensation or other emolument received by such officer, employee, or agent for or on account of services rendered in the performance of his official duties;

(e) Shall accept or receive any salary, fee, commission, honorarium, or substantial gift, or other benefit for any purpose or in any way, directly or indirectly, from any borrower from the Federal land bank through the association, or from any loan applicant or representative thereof.

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§ 11.1052 *Cases involving trivial interest or relationship.* In passing upon cases in which the question as to interest or relationship is involved, discretion may be exercised to the extent of deeming the regulation in § 11.1051 (a) inapplicable if the degree of interest or relationship in question is not substantial but so trivial as to create no great probability that the employee's impartiality of judgment and action will be affected. Such cases would ordinarily be those in which the total benefit to the employee or his relative is less than \$50, or where the relative is a second cousin, a first cousin by marriage, or of more remote consanguinity or relationship, or, in the event that the benefit is not measurable in precise money value, where the advantage to be gained is not of reasonable consequence.

§ 11.1053 *Application of rule stated in § 11.1052.* In considering cases of the foregoing character the final conclusion should be based upon the facts of each case, proper weight being given to the nature, amount, and importance of the benefit involved, the degree and kind of relationship or interest in question, and the general type and character of the person concerned.

[SEAL]

J. R. ISLEIB,  
Land Bank Commissioner.

[F. R. Doc. 48-6576; Filed, July 21, 1948;  
8:59 a. m.]

## TITLE 7—AGRICULTURE

### Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

#### Subchapter C—Regulations Under the Farm Products Inspection Act

##### PART 56—DRESSED POULTRY AND DRESSED DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF (INSPECTION AND CERTIFICATION FOR CONDITION AND WHOLESOMENESS)

###### MISCELLANEOUS AMENDMENTS

On May 18, 1948, a notice of proposed rule making was published in the *FEDERAL REGISTER* (13 F. R. 2680) regarding an amendment to the revised rules and regulations governing the inspection and certification of dressed poultry and dressed domestic rabbits and edible products thereof for condition and wholesomeness (7 CFR and Supps. 56.1 et seq.; 13 F. R. 1). Such rules and regulations are currently effective under the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 2d Sess., approved June 19, 1948). This amendment (1) changes the definition of the term "official plant," and (2) increases the fee to be charged and collected for inspection service furnished on a fee basis.

After consideration of all relevant matters presented, including the proposal set forth in the said notice, it is hereby ordered that, under the authority contained in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 2d Sess., approved June 19, 1948) the following amendment to the aforesaid revised rules and regulations shall become effective 30 days after the

publication of this amendatory order in the *FEDERAL REGISTER*:

1. Delete the provisions in paragraph (aa) of § 56.2 *Terms defined* (7 CFR and Supps. 56.2; 13 F. R. 1) and substitute therefor the following: "Official plant" means one or more buildings, or parts thereof, comprising a single plant in which the facilities and methods of operation therein have been approved by the Assistant Administrator as suitable and adequate for operation under inspection and in which inspection is carried on in accordance with this part."

2. Delete the first sentence of § 56.57 *On a fee basis* (7 CFR and Supps. 56.57; 13 F. R. 1) and substitute therefor the following: "Fees to be charged and collected for inspection services furnished on a fee basis shall be based upon the time required to render such services, including, but not being limited to, the time required for the travel of the inspector or inspectors in connection therewith, at the rate of \$3.00 per hour for each inspector for the time actually required."

(Pub. Law 712, 80th Cong.)

Issued at Washington, D. C., this 19th day of July 1948.

[SEAL]

CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 48-6579; Filed, July 21, 1948;  
9:00 a. m.]

#### Subchapter K—Federal Seed Act

##### PART 201—FEDERAL SEED ACT REGULATIONS

###### KENTUCKY BLUEGRASS SEED; EXEMPTION OF LABELING REQUIREMENTS

It has been found that the time interval between seed harvesting and sowing is not sufficient to assure the completion of a germination test of freshly harvested seed of Kentucky bluegrass, *Poa pratensis*, now therefore pursuant to the provisions of section 203 (c) of the Federal Seed Act of August 9, 1939 (53 Stat. 1271; 7 U. S. C. 1573 (c)), the following regulation is hereby promulgated:

*Exemption from labeling as to germination of Kentucky bluegrass seed.* The requirements of paragraph 201 (a) (8) of the Federal Seed Act of August 9, 1939, as to labeling seed for germination when transported or delivered for transportation in interstate commerce for seeding purposes, shall not apply to the 1948 crop of seed of Kentucky bluegrass, *Poa pratensis*, during the period beginning August 22, 1948, and ending October 15, 1948.<sup>1</sup>

Section 203 (c) of the Federal Seed Act of August 9, 1939, provides that the Secretary of Agriculture may, with or without hearing, amend the regulations issued thereunder to provide exemptions from labeling requirements with respect to germination. Pursuant to this provision, the Secretary in various prior years amended the regulations to provide for a seasonal exemption from such labeling requirements, similar to the one

<sup>1</sup> See §§ 201.20 to 201.22.

## RULES AND REGULATIONS

## CAA SPECIFICATIONS

Specifications by the Administrator of Civil Aeronautics applicable to § 04a.755-T appear under § 04b.62, *infra*.

(Secs. 205 (a), 601, 52 Stat. 984, 1007; 54 Stat. 1231, 1233-1235; 49 U. S. C. 425 (a), 551)

These specifications shall become effective upon publication in the FEDERAL REGISTER.

F. B. LEE,  
Acting Administrator  
of Civil Aeronautics.

[F. R. Doc. 48-6522; Filed July 21, 1948;  
8:46 a. m.]

[Supp. 3]

PART 04b—AIRPLANE AIRWORTHINESS  
TRANSPORT CATEGORIES

CAA SPECIFICATIONS; AIRPLANE OPERATING  
MANUAL

Acting pursuant to authority appearing hereinafter, the following specifications are adopted. They are made effective without delay in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1001, 1003) would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required.

Section 04b.62 of the Civil Air Regulations provides in part that an airplane operating manual shall be furnished with each airplane, and that portions of the manual listed in and required by the regulation shall be verified and approved by the Administrator.

§ 04b.62 Airplane operating manual.  
\* \* \*

CAA SPECIFICATIONS

1. *Purpose.* The purpose of this statement of policy is to outline an acceptable arrangement for the Airplane Flight Manual<sup>1</sup> as required by CAR 04b.62 effective November 9, 1945. Although this material is intended to apply to CAR 04b, it may also be used as a guide for the manual required by CAR 04a.755-T. This policy does not affect the status of manuals which already have final or tentative approval. However, whenever such manuals are revised for other reasons, it is recommended that the terminology of this policy be incorporated wherever it will increase clarity and uniformity. It should be noted that not all the items outlined below for inclusion in the document will be necessary for a given airplane, and the Civil Aeronautics Administration is desirous of holding the document to the smallest practicable amount of material. Only the material (listed below) required by CAR 04b should be included in the Civil Aeronautics Administration approved portion of the manual. However, if desired, the manufacturer or operator may add other data in a distinctly separate section in the same cover.

<sup>1</sup>The term "Airplane Flight Manual" has been agreed upon internationally to distinguish the airplane manual from the "operations manuals" issued by airlines and covering the general field of operating practices. Recommendations have been made to the CAB to revise the title of CAR 04b.62 and the airspeed limitation terminology in accordance with this policy.

The portion of the material (outlined below) that is to be approved by the Civil Aeronautics Administration must be so marked, and clearly separated from any other material so that no one could easily err in regard to the part that is approved.

2. *Form.* The page size for the Airplane Flight Manual will be left to the decision of the manufacturer. A cover should be provided and it should indicate the nature of the contents with the following title: "Airplane Flight Manual." Each page of the approved portion should bear the notation "CAA Approved" and the date of issuance. The material should be bound in a semi-permanent fashion so that the pages will not be lost easily, yet should be so bound that revised pages can be inserted. The aircraft specification will identify the manual, and when different types of the airplane (skiplanes, seaplanes, etc.) are covered in separate manuals, each will be listed. Also, the latest approved revisions will be shown on the specification when these changes are considered of major importance to airworthiness.

3. *Content.* The Airplane Flight Manual should contain as much of the following as is applicable to the individual model. It is suggested that the document be divided into sections as indicated. The sequence of sections and of items within sections should follow the outline below insofar as practicable. This will facilitate revising the document when an airplane is altered in the field.

(a) *Introduction*—(1) *Title page.* This page should include the manufacturer's name, airplane model, registration or serial number, date of approval and space for the signature of the Director, Aircraft Service. In addition the following note should be included: "This airplane must be operated in compliance with the Operating Limitations contained herein."

(2) *Table of contents.*

(3) *Log of revisions.* Should provide spaces in which to record revised pages and the date inserted.

(b) *Operating limitations*—(1) *Weight limits.* In addition to the maximum weights and any relative information, a statement to the effect that the airplane must be loaded in accordance with the approved loading schedule should be included. (See paragraph (e), Weight and Balance Data.) The following is a typical example:

(i) Maximum take-off weight at sea level is 92,000 pounds.

(ii) Maximum landing weight at sea level is 73,000 pounds.

NOTE: This airplane is to be operated in accordance with the approved loading schedule (paragraph (e)).

For maximum permissible weights at various altitudes, see paragraph (d), Performance Information. In scheduled passenger operations, operating weights are limited in accordance with CAR Parts 41 or 61.

(iii) All weight in excess of the maximum permissible landing weight must consist of disposable fuel.

(iv) All weight in excess of 68,000 pounds must consist of fuel for structural reasons.

(v) All fuel weight must be distributed equally on both sides of the airplane. All main tanks must be filled (equally) first, alternates second, and then auxiliaries. Fuel must be used in reverse order from fuel loading except for take-off, climb and landing, at which time the main tanks should be used.

(2) *Center of gravity limits.* All C. G. limits should be given in inches from the datum, which should be identified, and in percent of the mean aerodynamic chord, with the landing gear extended.

(3) *Power plant.* The following should be listed:

(i) Engine:

(a) Manufacturer.

(b) Model.

(c) Propeller drive gear ratio.

provided for herein, for freshly harvested seed of Kentucky bluegrass, and there were never any objections to such action. The carry-over of this seed from the former crop year is not sufficient to meet the planting requirements therefor and by reason of the imminence of the planting season it is in the public interest that notice of the exemption of such seed from labeling requirements as to germination be published as soon as possible. In view of these facts, and in accordance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1003, it is hereby found upon good cause that notice and public procedure in connection with this amendment would be impracticable and contrary to the public interest.

This regulation shall be effective during the period from August 22, 1948, to October 15, 1948, both inclusive.

Issued this 19th day of July 1948.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 48-6605; Filed, July 21, 1948;  
8:57 a. m.]

## TITLE 10—ARMY

### Chapter V—Military Reservations and National Cemeteries

#### PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

##### OREGON

CROSS REFERENCE: For order affecting the tabulation contained in § 501.1, see Public Land Order 497 in the Appendix to Chapter I of Title 43, *infra*, which reserves certain public lands in Oregon for use in connection with the construction of the Fern Ridge Dam and Reservoir Project under the supervision of the Department of the Army.

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

[Supp. 2]

#### PART 04a—AIRPLANE AIRWORTHINESS

##### CAA SPECIFICATIONS; AIRPLANE OPERATING MANUAL

Acting pursuant to authority appearing hereinafter, the following specifications are adopted. They are made effective without delay in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1001, 1003) would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required.

Section 04a.755-T of the Civil Air Regulations provides in part that there shall be furnished with each airplane a copy of the manual which shall contain such information regarding the operation of the airplane as the Administrator may require.

§ 04a.755-T Airplane operating manual.  
\* \* \*

- (d) Fuel, minimum octane.  
 (e) Temperatures—maximum permissible cylinder head and oil inlet.  
 (f) Power limits—those given by the engine specification; i. e., excluding the effect of ram on critical altitude.  
 (g) Any limitations, such as r. p. m. ranges in which operation is prohibited due to engine or propeller vibration.  
 (ii) An explanation of the instrument markings should be included. A typical example follows:

(a) General: Red radial line—maximum and minimum limits. Yellow arc—take-off and precautionary ranges. Green arc—normal operating ranges. Red arc—ranges in which operation is prohibited.

(b) Fuel quantity indicator (when applicable—reference CAR 04b.6104). Red arc—fuel which cannot be used safely in flight.

(iii) Propellers:

(a) Manufacturer.

(b) Model designation.

(4) *Speed limitations.* (i) Current Regulations (CAR 04b.6100) require that airspeed indicator markings be in terms of "true indicated" (calibrated) airspeed. However, the "indicated" airspeed may also be included parenthetically in addition to the "calibrated" airspeed if desired. This offers the advantage that the pilot may read the correct limitation directly from the instrument.

(ii) The following speeds and explanations of their significance should be included:

(a) Never exceed speed,  $V_{NE}$  (previously known as "glide or dive speed") with and without de-icer boots, if applicable, plus a statement to the effect that speeds in excess of this value may result in structural, flutter, or control hazards. The effects of altitude (i. e. Mach number) on this speed should be given if applicable unless the airplane is equipped with a Machmeter, in which case the "never-exceed" Mach number should also be quoted.

(b) Normal operating limit speed,  $V_{NO}$  (previously known as "level flight or climb speed" or "maximum structural cruising speed"), with and without deicer boots if applicable, plus statements to the effect that:

(1) Speeds in excess of this value may result in excessive gust loads, whereas speeds below this value will reduce the structural loads produced by severe gusts. The "maneuvering speed" is generally considered the optimum speed to avoid excessive loads as well as inadvertent stalling or loss of control in turbulent air.

(2) This speed should not be deliberately exceeded, even during descents, because of the possibility of unexpected gusts.

(3) The speed range between  $V_{NO}$  and  $V_{NE}$  is to provide for inadvertent speed increases.

(4) When this speed is reduced at altitude because of Mach number effects, the purpose of such reduction is to maintain the margin between  $V_{NO}$  and  $V_{NE}$  for inadvertent speed increases.

(c) Maneuvering speed,  $V_P$ , plus a statement of its significance, of which the following is an example: "Maximum use" of the primary flight controls should be confined to speeds below this value. For this purpose, "maximum use" is defined as the lesser of the following:

Rudder—full throw, or ---- pounds force.  
 Elevator—full throw, or ---- pounds force.  
 Aileron—full throw or ---- pounds force with each hand.

(d) Flaps extended speed,  $V_{FE}$  at least the speed determined in accordance with CAR 04b.6004 must be given. However, when desired, speeds for various combinations of flap settings and power conditions may be given. The following is an example:

Flap setting	Max. speed (m. p. h.)	Max. power
Take-off	-----	Take-off.
Approach	-----	Continuous.
Landing	-----	Throttled.
	-----	Take-off.

(A note should be added to indicate which of the values is to be marked on the Airspeed indicator.)

(e) Landing gear operating speed,  $V_{LO}$ , plus a statement that this is the maximum speed at which the landing gear may be lowered or raised.

(f) Landing gear extended speed,  $V_{LE}$ , plus a statement that this is the maximum speed with landing gear extended and locked.

(iii) When a speed limitation (e. g., never exceed speed) results from compressibility effects, the manual should include a statement to this effect and information concerning warning symptoms, probable behavior of the airplane and suggested recovery procedure.

(iv) An explanation of the airspeed indicator markings should be included. A typical example follows:

#### Airspeed indicator markings

(See definitions of speeds above)

Red radial line—never exceed speed,  $V_{NE}$ .

Yellow arc—caution range, extending from  $V_{NO}$  to  $V_{NE}$ .

White arc—flaps extended range, extending from stalling speed ( $V_{SO}$ ) with flaps in landing position at maximum landing weight to the flaps extended speed (CAR 04b.6004).

Green arc—normal operating range: i. e., from stalling speed with flaps retracted at maximum take-off weight to  $V_{NO}$ .

(5) *Critical cross wind.* Plus a statement that this is the maximum cross component of wind velocity at which it has been demonstrated to be safe to take-off or land. If the value established during the tests is considered the maximum up to which it is considered safe to operate the airplane on the ground, including take-offs and landings, it should be entered under this item; i. e., as a limitation. However, if the value established is not considered limiting it should be included as Performance Information (paragraph (d)) instead of a limitation. In the case of flying boat an additional maximum cross component of wind velocity for taxiing may be appropriate material.

(6) *Flight load acceleration limits.*

Flaps up----- (At take-off weight).  
 Flaps down----- (At landing weight).

(7) *Type of airplane operation.* A typical example would be as follows:

(i) Transport category.

(ii) Instrument night flying (when required equipment is installed).

(iii) Atmospheric icing conditions—should stipulate "none, trace, light, moderate or heavy".

(iv) Propeller reversing to be used for taxiing only.

(8) *Minimum crew.* Should be given for day contact flight and any additional conditions if desired or considered pertinent.

(9) *Miscellaneous.* Should include any information not given above that is restrictive and considered necessary for the safe operation of the airplane. Some typical examples are as follows:

(i) The wing and tail anti-icing heaters should not be operated in flight when the outside air is above 50° F.

(ii) Pressurized cabin differential pressure limits, etc.

If any of the above limitations are repeated necessarily in some other section of the manual; e. g., Operating Procedures (par-

agraph (c)) it is considered desirable that the limitation be referenced to the pertinent portion of the manual where it is repeated.

(c) *Operating procedures—(1) Normal.* This section should contain information and instructions regarding peculiarities of: Starting and warming engines, taxiing, operation of wing flaps, landing gear, etc. Also included in this section should be instructions for the operation of any equipment that is considered new in the aeronautical field or comparatively complicated.

(1) A typical example of the former would be: Wing flaps should be exercised through three complete cycles prior to all initial take-offs. This operation accomplishes the automatic bleeding and the equalization of pressure to the eight separate hydraulic flap actuating cylinders.

(ii) Typical examples of the latter are:

(a) Recommended operating procedures for thermal ice prevention system.

(b) Recommended operating procedures for reversible pitch propellers.

(c) Cabin pressurization.

(2) *Emergency procedures.* The following should be included:

(i) The procedure to be used in the event of an engine failure, including recommended minimum speeds, trim, operation of remaining engine(s), etc. A typical example would be as follows:

*Engine failure on take-off.* The minimum speed ( $V_1$ ) at which the airplane can be controlled directionally on the runway with an outboard engine inoperative and its propeller windmilling, and with take-off power on the remaining engines, is 60 m. p. h. TIAS.

The minimum speed at which the airplane is controllable in flight with the sudden failure of an outboard engine, with take-off power on the remaining engines, is 96 m. p. h. TIAS.

If an engine fails during the ground roll below speed  $V_1$ , cut the throttles on all engines and apply brakes. If ground contact has already been broken, land straight ahead if sufficient runway remains. If not, retract landing gear, maintain full power on live engines, and continue take-off. Feather the dead engine as outlined in item (ii) below. Use minimum cowl flap setting on live engines to maintain cylinder temperature within limits. Retrim airplane as necessary. Speed for best climb under these conditions is 115 mph TIAS.

See paragraph (d) (pages 9 and 12) for criterion and  $V_1$  speeds used in determining the runway lengths.

(ii) Propeller feathering. This section of the manual should outline the procedure to be followed in stopping the rotation of propellers in flight.

A typical procedure is outlined below:

(a) Throttle—"Closed."

(b) Push feathering switch button. When propeller blades are fully feathered the button will kick out automatically.

(c) Mixture Control—"Idle cut-off."

(d) Cowl flaps—"Closed."

(e) Fuel Booster Pump—"Off."

(f) Tank selector for engine being feathered—"Off." (Do not shut tank selector "Off" if cross feed is being used.)

(g) Ignition for dead engine—"Off."

(h) Propeller pitch control—"Full decrease r. p. m."

(iii) Any emergency procedures that are considered unusual or in which a specific sequence of events are required to accomplish the operation satisfactorily. Some typical examples are as follows:

(a) All-engine go-around when it is recommended practice to retract the flap prior to retracting the gear resulting from a design condition in which the flap creates more drag than the gear.

(b) Fire control procedures.

(c) Emergency cabin depressurization.

(d) Emergency landing gear extension.

- (e) Emergency brake operation.
- (f) Fuel dumping.
- (g) Electrical—including operation of circuit breakers. The manual should specify the circuits in which over-riding breakers, if any, are used and contain instructions concerning operation of both over-riding and non-over-riding types. The following is a typical example:

All circuit breakers are of the non-over-riding type except the fuel booster pumps and propeller feathering circuits. In an emergency, the breakers in these two circuits may be held closed with the possible risk of fire hazard due to short circuits, etc. Discretion should also be used in repeatedly resetting non-overriding breakers due to the fact that resetting may re-establish an arc and increase the fire hazard.

- (3) Other special operating procedures (if any).

(d) Performance information—(1) Introductory information. This should include any general information or any pertinent descriptions of the conditions under which the performance data were determined. The following examples are considered typical and appropriate:

- (i) All climb data are for standard atmospheric conditions.

(ii) The minimum effective take-off runway lengths given in this section are defined as the longer of the "accelerate-stop distance" and the distance required to take-off and clear a 50 ft. obstacle with one engine becoming inoperative at speed  $V_1$ .

(a) The accelerate-stop distance is the distance required to accelerate the airplane from a standing start to the speed,  $V_1$ , and assuming an engine to fail at this point, to stop.

- (b) The take-off distance is defined as the sum of the following:

(1) Distance to accelerate to speed  $V_1$  with all engines operating.

(2) Distance to accelerate from speed  $V_1$  to speed  $V_2$  with one engine inoperative and propeller windmilling in low pitch. It is assumed that gear retraction is initiated at the end of this segment.

(3) The horizontal distance traveled in climbing to a height of 50 feet at speed  $V_2$  with one engine inoperative. It is assumed that propeller feathering is not commenced prior to the end of this segment.

(i) Speed  $V_1$  is defined as the critical engine failure speed and is a speed at which the controllability has been demonstrated to be adequate to permit proceeding safely with the take-off when the critical engine is suddenly made inoperative. The minimum  $V_1$  speed for this airplane is 60 mph TIAS; however, as explained below, speeds in excess of this value were used in determining the runway lengths.

(ii) Speed  $V_2$  is defined as the minimum take-off climb speed and is the greater of the following: 1.15 times the power off stalling speed with the flaps in the take-off position (assuming a four engine airplane); 1.10 times the minimum control speed,  $V_{mc}$ .

The minimum control speed,  $V_{mc}$ , is defined as the minimum speed at which the airplane is controllable in flight with the sudden failure of an outboard engine with take-off power on the remaining engines.

(c) All runway lengths given in this manual are based upon optimum  $V_1$  speeds; i. e., the speed selected for  $V_1$  is such that the accelerate and stop distance is equal to the distance to clear a fifty foot obstacle with one engine becoming inoperative at this speed. Consequently,  $V_1$  varies with weight, altitude, wind, gradient, etc. Values for  $V_1$  for the various conditions are given on page 11.

(d) All take-off and landing distances given are for dry, concrete runways.

(e) If the maximum cross component of wind velocity in which landings and take-offs were demonstrated was not considered limiting, it should be included in this section

of the manual. A typical example would be as follows:

The maximum crosswind component in which this airplane has been tested is 20 mph measured at a height of 50 feet above the ground. Consequently, in determining the effective take-off and landing runway lengths, a crosswind component greater than this value may not be used.

(2) Performance data. These data may be given in either graphical or tabular form and should cover the weight range and all airport and terrain altitudes at which the airplane is intended to be operated. The scale of the charts should permit accurate reading within approximately 0.25 of one percent. Following is a list of data that should be included:

- (i) Airspeed calibration—normal and alternate static source.

- (ii) Altimeter calibration—normal and alternate static source.

- (iii) True indicated stalling speeds at all appropriate flap positions.

(iv) Summary of permissible operating landing and take-off gross weights as limited by the climb of structural requirements.

(v) Minimum take-off runway length. Unless optimum values of  $V_1$  are selected, establishing equal distances to accelerate to speed  $V_1$  and stop or to make a take-off over a 50 foot obstacle with the critical engine becoming inoperative at speed  $V_1$  inclusion of both the accelerate and stop distance and runway length required to take-off and clear a 50 foot obstacle will be necessary. It is recommended that these data be given a range of temperatures and runway gradients sufficient to permit proper dispatching under the rules of CAR 61.712 in addition to the required standard day temperature data.

(vi) Take-off flight paths through the final climb segment, flight path slope or data slope or data supplementary to the above subdivision (v) that may be used for dispatching purposes should be included. These should be for the same range of temperatures and runway gradients as subdivision (v).

\* (vii) Minimum take-off climb speed,  $V_2$ , for the range of weights, altitudes and conditions covered in subdivisions (v) and (vi).

\* (viii) Critical engine failure speed,  $V_1$ , or speeds  $V_1$  for the range of weights, altitudes and conditions covered in subdivision (v) and (vi) (if applicable).

\* The distances to accelerate to these speeds should also be included to provide data necessary for gradient problems involving runways with variable gradients of sufficient magnitude that average gradients cannot be assumed.

(ix) Minimum runway length required for landing. With respect to this item, the following data would be considered appropriate:

- (a) Landing distance from height of 50 feet.

(b) Minimum effective landing runway length—scheduled stops.

(c) Minimum effective landing runway length—alternate stops.

(x) If it is desired to take advantage of wind in determining landing and take-off distances all data should be based upon wind velocities reported at a height of 50 feet above the runway; i. e., the runway length would be calculated for one half of the reported head wind velocity, or twice the reported tail wind velocity, measured at a height of 50 feet corrected to the height of the center of aerodynamic drag of the airplane. A note clearly stating the above stipulations should be included in the manual.

(xi) The rates of climb and climbing speeds for the desired range of weights and altitudes, together with the corresponding airplane configuration (flap position, gear position, etc.), should be given for the following when applicable:

- (a) First segment take-off climb (CAR 04b.1231 (a)).

- (b) Second segment take-off climb (CAR 04b.1231 (a)).

- (c) Third segment take-off climb (CAR 04b.1222 (d)).

- (d) Final segment take-off climb (CAR 04b.1222 (e)).

- (e) One-engine inoperative en route climb (CAR 04b.1231 (b)).

- (f) All engine en route climb (CAR 04b.1230 (a)).

- (g) Two-engine inoperative en route climb (CAR 04b.1232).

- (h) Approach climb (CAR 04b.1231 (c)).

- (i) Landing climb (CAR 04b.1230 (b)).

- (xii) Engine power curve.

- (xiii) Any instructions or examples for use of the performance charts.

(e) Weight and balance data. (1) Inasmuch as it is desired to eliminate the necessity of submitting revisions of the Airplane Flight Manual to the CAA for approval whenever an item of equipment is altered or added, this section of the manual will not be included in the formally "approved" portion of the document. However, a note to the effect that the airplane should be operated in accordance with the approved loading schedule should be included in the Limitations Section. (See paragraph (b) (1)—Weight Limits.)

(2) It is the intention of the Civil Aeronautics Administration to place the responsibility for the control of weight and balance with the manufacturer and operator. The manufacturer will furnish a weight and balance report for each new airplane which may be included in the manual but not in the "approved" portion. The Civil Aeronautics Administration's representative will not approve each individual report but will make only occasional spot checks to ascertain that the manufacturer's weight control procedure is adequate. The manufacturer will be expected to furnish complete information with the airplane, not only regarding its actual weight and balance, but also to include sketches, samples and other data that will assist the operator in checking the balance after alterations.

(3) The following material is believed to be complete and adequate for a conventional airplane.

- (i) Weight limits. Should list and explain (where necessary) the various weight limits.

- (ii) C. G. limits. Approved operating C. G. range.

- (iii) Empty weight and empty weight C. G. location.

- (iv) Equipment list. All equipment included in the empty weight.

- (v) Weight Computations. The computations necessary to determine the empty weight C. G. location, including identification of balance datum.

- (vi) Loading schedule.

- (vii) Loading schedule instructions. Complete instructions in the use of the loading schedule.

In the case of unconventional airplane or airplanes with special features, the foregoing should be modified or amplified as necessary to cover the case.

(4) Submittal. Three copies of the above material, less the Weight and Balance Data Section, should be submitted to the appropriate Civil Aeronautics Administration regional office by the applicant for an original approval. The three copies will be signed by the Director, Aircraft Service; one copy will be returned to the applicant, one will be retained by the Washington office and the other by the regional office. A single copy of the title page to be used for the Director's signature may be substituted for the manufacturer's copy if desired. Revisions to the manual will be approved in the regional office. In cases where the revisions are of primary importance to safety in flight, the pertinent Aircraft Specification will contain a description of the change to insure that all manuals are revised. A revision of this

type would probably be the subject of an Airworthiness Directive note. One copy of the Weight and Balance Data Section should be included in the manual by the manufacturer for each airplane at the time of certification.

(Secs. 205 (a), 601, 52 Stat. 984, 1007; 54 Stat. 1231, 1233-1235; 49 U. S. C. 425 (a), 551)

These specifications shall become effective upon publication in the FEDERAL REGISTER.

F. B. LEE,  
Acting Administrator of  
Civil Aeronautics.

[F. R. Doc. 48-6523; Filed, July 21, 1948;  
8:47 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 5485]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

JACK FIELD

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.96 (a) *Using misleading name—Goods—Composition:* § 3.96 (a) *Using misleading name—Goods—Nature.* In connection with the offering for sale, sale, and distribution of furs and fur garments in commerce, directly or indirectly using the words "Bombay Lamb", either alone or in conjunction with any other word or words, to designate furs or fur garments made from the skins of Arabian kid, or designating or describing fur or fur garments in any way other than by the use of the true name of the fur as the last word of the designation or description; prohibited, subject to the provision that if a fur is so dyed or processed as to simulate another fur, and the name of the animal whose fur is so simulated be given, such name shall be immediately followed by and compounded with the words "dyed" or "processed", together with the true name of the animal producing the fur as the last word of the description, and all words of such designation shall be equally conspicuous. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Jack Field, Docket 5485, May 25, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 25th day of May A. D. 1948.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admitted all the material allegations of fact set forth in said complaint and waived all intervening procedure and further hearing as to said facts, and the Commission having made

its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Jack Field, an individual trading under his own name or under any other name or names, his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of furs and fur garments in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly:

Using the words "Bombay Lamb," either alone or in conjunction with any other word or words, to designate furs or fur garments made from the skins of Arabian kid, or designating or describing fur or fur garments in any way other than by the use of the true name of the fur as the last word of the designation or description; provided that if a fur is so dyed or processed as to simulate another fur, and the name of the animal whose fur is so simulated be given, such name shall be immediately followed by and compounded with the words "dyed" or "processed," together with the true name of the animal producing the fur as the last word of the description, and all words of such designation shall be equally conspicuous.

It is further ordered, That the respondent shall, within sixty (60) days after the service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 48-6518; Filed, July 21, 1948;  
8:46 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51971]

#### PART 3—DOCUMENTATION OF VESSELS

##### ISSUANCE OF CRUISING LICENSES TO FOREIGN-FLAG YACHTS

Section 3.53, Customs Regulations of 1943 (19 CFR, Cum. Supp., 3.53), as amended by T. D. 51922 (13 F. R. 2817), is amended as follows:

1. Paragraph (d) and footnote reference "39" thereto are amended to read as follows:

§ 3.53 *Yacht privileges and obligations.* \* \* \*

(d) A cruising license "may be issued to a yacht of a foreign country only if it has been made to appear to the satisfaction of the President of the United

"Whenever it shall be made to appear to the satisfaction of the President of the United States that yachts used and employed exclusively as pleasure vessels and belonging to any resident of the United States are allowed to arrive at and depart from any

States that yachts of the United States are allowed to arrive at and depart from ports in such foreign country and to cruise in the waters of such ports without entering or clearing at the customhouse thereof and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage taxes, or charges for cruising licenses. It has been made to appear to the satisfaction of the President of the United States that yachts of the United States are granted such privileges in the following countries:

Canada.  
Great Britain.  
Greece.  
Honduras.  
Jamaica.

2. The first sentence of paragraph (e) is amended to read as follows:

(e) In order to obtain a cruising license for a yacht of any country listed in paragraph (d) of this section there shall be filed with the collector an application therefor executed by the yacht owner which shall set forth his address and identify the vessel by flag, rig, name, and such other matters as are usually descriptive of a vessel.

3. Paragraph (f) is amended by deleting the following from the form of cruising license prescribed therein:

a member of the \_\_\_\_\_  
(Name of yacht club)  
of \_\_\_\_\_  
(Address)

(R. S. 161, secs. 2, 3, 23 Stat. 118, 119, sec. 5, 35 Stat. 425, as amended; Pub. Law 787, 80th Cong.; 5 U. S. C. 22, 46 U. S. C. 2, 3, 104. Sec. 102, Reorg. Plan No. 3 of 1946; 3 CFR, 1946 Supp., ch. IV)

W. R. JOHNSON,

Acting Commissioner of Customs.

Approved: July 16, 1948.

E. H. FOLEY, Jr.,

Acting Secretary of the Treasury.

[F. R. Doc. 48-6573; Filed, July 21, 1948;  
8:58 a. m.]

foreign port and to cruise in the waters of such port without entering or clearing at the customhouse thereof and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage taxes or charges for cruising licenses, the Commissioner of Customs may authorize and direct the customs authorities at the various ports of entry of the United States to allow yachts from such foreign port used and employed exclusively as pleasure vessels to arrive at and depart from any port of the United States and to cruise in waters of the United States without the payment of any charges for entering or clearing, dues, duty per ton, or tonnage taxes, but the Commissioner of Customs may, in his discretion, direct that such foreign yachts shall be required to obtain licenses to cruise, in a form prescribed by him, before they shall be allowed under the provisions of this section to cruise in waters of the United States. Such licenses shall be issued without cost to such yachts and shall prescribe such limitations as to length of time, direction, and place of cruising and action, and such other particulars as the Commissioner of Customs may deem proper." (46 U. S. C. 104. Sec. 102, Reorganization Plan No. 3 of 1946; 3 CFR, 1946 Supp., ch. IV.)

## TITLE 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Federal Security Agency

## PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

## PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

## MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and 61 Stat. 11; 21 U. S. C., Sup. 357) the regulations for tests and methods of assay of antibiotic drugs (12 F. R. 2215, 4961, 8151; 13 F. R. 439, 2950) and certification of batches of penicillin- or streptomycin-containing drugs (12 F. R. 2231, 4692, 5039, 7997, 8152; 13 F. R. 436, 1099, 2475) are amended as indicated below:

1. Section 141.7 *Penicillin in oil and wax*, paragraph (a) *Potency*, is amended by adding the following sentences between the sentence ending with the words "at pH 6.0." and the sentence beginning with the words "If the label" in line 15 of the second paragraph: "The sample may also be prepared by transferring aseptically 1.0 ml. of the penicillin in oil and wax to a blending jar containing 100 ml. of sterile distilled water. Using a high-speed blender, blend this mixture for 1 minute and then make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0."

2. Section 141.7, paragraph (c) is amended to read:

(c) *Moisture*—(1) *Reagents*—(i) *Karl Fischer reagent*. Preserve the reagent in glass-stoppered bottles and use from an all glass automatic burette, protecting the solution from the moisture in the air.

(ii) *Water-methanol solution*. Use methanol containing approximately 1 mg. of water per milliliter. Store the solution in a glass bottle attached to an automatic burette and protect from moisture in the air at all times.

(2) *Standardization of Karl Fischer reagent*. Add a known volume of the Karl Fischer reagent to a suitable titrating vessel which has been previously dried at 105° C. and cooled in a desiccator. Introduce a mechanical stirrer and two platinum electrodes which are connected to a suitable electrometric apparatus for measurement of the endpoint. Start the stirrer and titrate with the water-methanol solution until the endpoint is reached. Calculate the milliliters of Karl Fischer reagent equivalent to each milliliter of water-methanol.

Add an accurately weighed quantity of water (approximately 50 mg.) to a dry titrating vessel, add an excess of the Karl Fischer reagent and back titrate with the water-methanol solution as above. Calculate the milligrams of water equivalent to each milliliter of the Karl Fischer reagent. Standardize the Karl Fischer reagent in this manner daily.

where

$e$  = milligrams of water equivalent to 1 ml.

Karl Fischer reagent.

$w$  = weight of water in milligrams.

$v_1$  = volume of Karl Fischer reagent used.

$v_2$  = volume of methanol used.

$f$  = volume ratio of Karl Fischer reagent to water-methanol solution.

(3) *Procedure*. Transfer 1.0 ml. of the penicillin in oil and wax to a dry titrating vessel, add 10 ml. of dry chloroform and an excess of the Karl Fischer reagent and black titrate with the water-methanol solution until the endpoint is reached. Transfer 10 ml. of the dry chloroform used to a dry titrating vessel, add an excess of Karl Fischer reagent, and titrate with the water-methanol as above. Calculate the milliliters of Karl Fischer reagent equivalent to 10 ml. of chloroform.

$$\text{Percent moisture} = \frac{(v_1 - v_2 f - b) \times e \times 100}{s \times 1000}$$

where

$b$  = milliliters Karl Fischer reagent equivalent to 10 ml. of chloroform.

$s$  = volume of the sample in milliliters.

3. Section 141.8 *Penicillin ointment*, paragraph (a) *Potency*, is amended by adding the following sentences between the sentence ending with the words "for at pH 6.0." and the sentence beginning with the words "The potency of penicillin" in line 14 of the second paragraph: "The sample may also be prepared by placing an accurately weighed sample consisting of 0.5 to 1.0 gm. of the ointment into a glass blending jar containing 100 ml. of 1% phosphate buffer at pH 6.0. Using a high-speed blender, blend the mixture for 2 minutes and make the proper estimated dilutions in 1% phosphate buffer at pH 6.0."

4. Section 141.8, paragraph (b) is amended to read:

(b) *Moisture*. Proceed as directed in § 141.7 (c), using a weighed sample of 1.0 to 2.0 gm. dissolved in a mixture of 10 ml. of dry chloroform and 10 ml. of carbon tetrachloride, but in lieu of calculating the milliliters of Karl Fischer reagent equivalent to 10 ml. of chloroform, determine the milliliters of reagent equivalent to 20 ml. of the mixture of chloroform and carbon tetrachloride.

5. Section 141.9 *Tablets buffered penicillin*, paragraph (a) *Potency*, is amended by adding the following new sentences between the sentence ending with the words "at pH 6.0." and the sentence beginning with the words "The average" in line 10 of the second paragraph: "The sample may also be prepared as follows: Place 12 tablets in a blending jar and add thereto approximately 200 ml. of a 500-ml. quantity of sterile distilled water. After blending for 1 minute with a high-speed blender add the remainder of the 500 ml. of water. Blend again for 1 minute and make the proper estimated dilutions in 1% phosphate buffer at pH 6.0."

6. Section 141.12 *Penicillin troches*, paragraph (b) is amended to read:

(b) *Moisture*. Proceed as directed in § 141.5 (a), or if it contains a masticatory substance proceed as directed in

§ 141.7 (c), using 1.0 to 2.0 gm. dissolved in 10 ml. of dry chloroform.

7. Section 141.18 *Penicillin vaginal suppositories*, paragraph (a) *Potency*, is amended by adding the following new sentences between the sentence ending with the words "buffer at pH 6.0." and the sentence beginning with the words "The average po-" in line 12 of the second paragraph: "The sample may also be prepared as follows: Place 5 suppositories in a glass blending jar containing 200 ml. of 1% phosphate buffer at pH 6.0. Using a high-speed blender blend for 3 minutes and make the proper estimated dilution in 1% phosphate buffer at pH 6.0."

8. Section 141.18, paragraph (b) is amended to read:

(b) *Moisture*. Proceed as directed in § 141.7 (c) using a weighed suppository dissolved in 10 ml. of dry chloroform and 2 ml. of methanol from the titrating burette. (Correct for the amount of moisture in the solvents used.)

9. Section 141.22 *Penicillin bougies*, paragraph (a) is amended to read:

(a) *Potency*. If it contains the excipient polyethylene glycol proceed as directed in § 141.1 except paragraph (i) thereof, and in lieu of the directions for preparing the sample in paragraph (d) of § 141.1 dissolve 12 bougies in sterile distilled water to make an appropriate stock solution. If it does not contain the excipient polyethylene glycol proceed as directed in § 141.9 (a). The average potency of penicillin bougies is satisfactory if it contains not less than 85% of the number of units per bougie it is represented to contain.

10. Section 141.22 paragraph (b) is amended to read:

(b) *Moisture*. Proceed as directed in § 141.7 (c), using 1.0 to 2.0 gm. of bougies dissolved in 10 ml. of dry chloroform if it contains the excipient polyethylene glycol. If it does not contain the excipient polyethylene glycol, proceed as directed in § 141.5 (a).

11. Section 141.23 *Crystalline penicillin and epinephrine in oil*, paragraph (c) is amended to read:

(c) *Moisture*. Proceed as directed in § 141.7 (c).

12. Section 141.26 *Procaine penicillin*, paragraph (e) is amended to read:

(e) *Moisture*. Proceed as directed in § 141.7 (c), but in lieu of the directions for preparing the sample in subparagraph (3) thereof prepare the sample and calculate as follows: Accurately weigh about 300 mg. of the sample into a dry titrating vessel, add an excess of the Karl Fischer reagent and back titrate with water-methanol solution until the endpoint is reached.

$$\text{Percent moisture} = \frac{(v_1 - v_2 f) \times e \times 100}{W_s}$$

where  $W_s$  = weight of sample in milligrams.

13. Section 141.26, paragraph (i) is amended to read:

(i) *Penicillin K content*. Weigh from 30–35 mg. of the sample to be tested in a

glass test tube or glass vial of approximately 10-ml. capacity. Add 2.0 ml. of chloroform U. S. P. and cool the mixture to 0°-5° C. in an ice bath. Add 1.0 ml. of cold 1-4 phosphoric acid solution, stopper and shake vigorously for 15 seconds. Centrifuge to obtain a clear separation of the layers (approximately 20 seconds). After centrifuging, remove 1.0 ml. of the chloroform layer with a pipette or syringe equipped with a suitable needle. Immediately place the 1.0 ml. of chloroform in a 125-ml. separatory funnel containing 29.0 ml. of chloroform and 15.0 ml. of 0.3 M phosphate ( $\text{Na}_2\text{HPO}_4$  and  $\text{KH}_2\text{PO}_4$ ) buffer pH 6.0 at room temperature and shake for 1 minute. Allow the mixture to stand with occasional swirling to settle the droplets of chloroform until the top layer is clear (usually about 10 minutes). Draw off all but about 2 ml. of the lower chloroform layer through a small pledget of cotton into a glass-stoppered flask. Take a 4.0 ml. aliquot of the buffer solution remaining in the separatory funnel and a 10.0-ml. aliquot of the chloroform solution and determine the milligrams per milliliter of penicillin in each by the iodometric assay procedure described in § 141.5 (e), using 4.0 ml. of the 1N NaOH and 4.0 ml. of the 1.2N HCl for the two above aliquots. Make blank determinations on the same size aliquots. Calculate the percent penicillin in the buffer layer on the basis that the sum of the penicillin found in the buffer layer and in the chloroform layer is 100%. The percent penicillin K =  $(98.46 - \text{percent found in buffer}) \times 3.34$ .

14. Section 141.27 *Procaine penicillin in oil*, paragraph (b) is amended to read:

(b) *Moisture*. Proceed as directed in § 141.7 (c).

15. Section 141.29 *Procaine penicillin for aqueous injection*, paragraph (c) is amended to read:

(c) *Moisture*. Proceed as directed in § 141.26 (e).

16. Section 146.4 *Conditions on the effectiveness of certificates*, subparagraph (2) of paragraph (b) is amended to read:

(2) With respect to any immediate container when it or its seal (if the regulations in this part require it to be sealed) is broken, or when its label or labeling is altered, mutilated, destroyed, obliterated, or removed in whole or in part, or ceases to conform to any labeling requirement prescribed by the regulations in this part, except that:

Section 146.4, paragraph (b) (2) is further amended by deleting the word "or" at the end of subdivision (i), by adding the word "; or" at the end of subdivision (ii), and by adding the following new subdivision:

(iii) If its label or labeling is removed in whole or in part for the purpose of relabeling and supplemental certification of the relabeled drug is requested, as provided by § 146.18;

17. Section 146.18 *Exemptions for labeling*, paragraph (a) is amended by deleting "and" following the words "of the drug" in line 13 and substituting

therefor a comma, and is further amended by inserting the words "the expiration date," between the words "units per package," and "and if the per-" in line 14.

18. Section 146.18, paragraph (b) (3) (ii) is amended by inserting the phrase "that the expiration date used for the batch will be only that assigned to the manufacturer by certification;" between the words "in this agreement;" and "that the labeling to be" in line 17.

19. Section 146.25 *Penicillin in oil and wax (calcium penicillin in oil and wax, crystalline penicillin in oil and wax)*, paragraph (c) *Labeling*, subparagraph (1) is amended by deleting the word "and" at the end of subdivision (v), by deleting the period at the end of subdivision (vi) and substituting therefor the word "; and", and by adding the following new subdivision:

(vii) The name of each oil used in making the batch.

20. The headnote of § 146.40 is amended to read:

§ 146.40 *Penicillin bougies (sodium penicillin bougies, calcium penicillin bougies, potassium penicillin bougies, procaine penicillin bougies, penicillin bougies sodium salt, penicillin bougies calcium salt, penicillin bougies potassium salt, penicillin bougies procaine salt)*.

21. Section 146.40, paragraph (a) is amended to read:

(a) *Standards of identity, strength, quality, and purity*. Penicillin bougies are bougies composed of sodium penicillin, calcium penicillin, potassium penicillin, or procaine penicillin in an excipient of polyethylene glycol or of one or more other suitable and harmless diluents, binders, and lubricants. The potency of each bougie is not less than 25,000 units. Its moisture content is not more than 1.0%. Its content of viable microorganisms is not more than 50 per gram. The sodium penicillin, calcium penicillin, and potassium penicillin used conforms to the requirements of § 146.24 (a), except the limitation on penicillin K content and except subparagraphs (1), (2), (4), and (7) of § 146.24 (a), but its potency is not less than 300 units per milligram. The procaine penicillin used conforms to the requirements of § 146.44 (a), except the limitation on penicillin K content and except subparagraphs (2) and (3) of § 146.44 (a). Each other substance, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

22. Section 146.40, paragraph (c) *Labeling*, subparagraph (1) (iii) is amended to read:

(iii) The statement "Expiration date -----", the blank being filled in, if crystalline sodium or potassium penicillin is used, with the date which is 18 months, or if crystalline sodium or potassium penicillin is not used, with the date which is 12 months after the month during which the batch was certified; except that if the excipient is polyethylene glycol the blank shall be filled in with the date which is 6 months after the month during which the batch was certified;

23. Section 146.40, paragraph (d) *Requests for certification; samples*, subparagraph (2) (ii) is amended to read:

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, crystallinity, and heat stability if it is crystalline sodium or potassium penicillin, the penicillin G content if it is crystalline sodium or potassium penicillin, G, and the procaine penicillin G content if it is crystalline procaine penicillin G.

24. Section 146.40, subparagraph (3) (ii) of paragraph (d) is amended to read:

(ii) The penicillin used in making the batch; 5 packages, or in the case of crystalline penicillin 10 packages, each containing approximately equal portions of not less than 60 mg. if it is not procaine penicillin and not less than 300 mg. if it is procaine penicillin, packaged in accordance with the requirements of § 146.24 (b) or § 146.44 (b).

25. Section 146.41 *Crystalline penicillin and epinephrine in oil*, paragraph (c) *Labeling*, subparagraph (1) is amended by deleting the word "and" at the end of subdivision (iv), by deleting the period at the end of subdivision (v) and substituting a semicolon and the word "and", and by adding the following new subdivision:

(vi) The name of the oil used in making the batch.

26. Section 146.43 *Aluminum penicillin in oil*, paragraph (c) *Labeling*, subparagraph (1) is amended by deleting the word "and" at the end of subdivision (iv), by deleting the period at the end of subdivision (v) and substituting a semicolon and the word "and", and by adding the following new subdivision:

(vi) The name of the oil used in making the batch.

27. Section 146.44 *Procaine penicillin (penicillin procaine salt), procaine penicillin G (penicillin G procaine salt)*, paragraph (a) *Standards of identity, strength, quality, and purity*, subparagraph (5) is amended to read:

(5) Its moisture content is not more than 4.2 percent; and

28. Section 146.45 *Procaine penicillin in oil*, paragraph (c) *Labeling*, subparagraph (1) is amended by deleting the period at the end of subdivision (iv) and substituting a semicolon and the word "and," and by adding the following new subdivision:

(v) The name of each oil used in making the batch.

29. Section 146.47 *Procaine penicillin for aqueous injection*, paragraph (a) *Standards of identity, strength, quality, and purity*, the second sentence is amended to read: "Its moisture content is not more than 4.2 percent."

30. Section 146.47, paragraph (c) *Labeling*, subparagraph (2) (iii) is amended to read:

(iii) The conditions under which such suspensions should be stored, and the statement "Sterile suspension may be kept at room temperature for one week, or in refrigerator for three weeks, without significant loss of potency";

This order, which provides for clarification of the expiration dates of batches of penicillin for which supplemental certification is requested; for the use of procaine penicillin in the manufacture of penicillin bougies and to extend the expiration date of penicillin bougies containing the excipient polyethylene glycol from 3 to 6 months; for requiring the labels of all penicillin drugs which are suspended in oil to bear the name of the oil; to change the method and standards (where necessary) for determining moisture content of various penicillin products; for changing the method for determining the penicillin K content of procaine penicillin; for providing alternative assay methods for penicillin in oil and wax, penicillin tablets and troches, penicillin ointment, penicillin vaginal suppositories, and penicillin bougies not containing polyethylene glycol, shall become effective upon publication in the *FEDERAL REGISTER*, since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest, and I so find, since it is was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay clarification of the expiration dates of batches of penicillin for which supplemental certification is requested; to delay providing for the use of procaine penicillin in the manufacture of penicillin bougies and for extending the expiration date of penicillin bougies containing the excipient polyethylene glycol from 3 to 6 months; to delay requiring the labels of all penicillin drugs which are suspended in oil to bear the name of the oil; to delay changing the method and standards (where necessary) for determining moisture content of various penicillin products; to delay changing the method for determining the penicillin K content of procaine penicillin; to delay providing for alternative assay methods for penicillin in oil and wax, penicillin tablets and troches, penicillin ointment, penicillin vaginal suppositories, and penicillin bougies not containing polyethylene glycol.

(52 Stat. 1040, as amended; 21 U. S. C. 357)

Dated: July 16, 1948.

[SEAL] OSCAR R. EWING,  
Administrator.

[F. R. Doc. 48-6575; Filed, July 21, 1948;  
8:59 a. m.]

## TITLE 25—INDIANS

### Chapter I—Office of Indian Affairs, Department of the Interior

#### Subchapter S—Moneys; Tribal and Individual

#### PART 221—INDIVIDUAL INDIAN MONEY REGULATIONS

#### INDIVIDUAL BUDGETS NOT IN EXCESS OF \$10,000

Part 221 of Subchapter S, Title 25, CFR, is amended by the addition of a new § 221.40, as follows:

§ 221.40 *Individual budgets not in excess of \$10,000.* The Superintendent of the Five Civilized Tribes Indian Agency, Oklahoma, and the General Superintendent of the Western Oklahoma Consolidated Agency are hereby authorized to approve budgets in individual cases and to make expenditures in accordance with such approved budgets in any case where the total amount involved does not exceed \$10,000 per annum. In such cases, the preceding sections of this part are inapplicable. (R. S. 161; 5 U. S. C. 22)

WILLIAM E. WARNE,  
Acting Secretary of the Interior.

JULY 15, 1948.

[F. R. Doc. 48-6532; Filed, July 21, 1948;  
8:49 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VI—Office of Selective Service Records

#### TRANSFER OF FUNCTIONS

CROSS REFERENCE: Pursuant to section 10 (a) (4) of the Selective Service Act of 1948, functions of the Office of Selective Service Records were transferred to the Selective Service System and the functions of the Director of the Office of Selective Service Records were transferred to the Director of Selective Service, effective June 24, 1948.

As authorized by section 10 (b) (1) of the act, the President has issued rules and regulations to carry out the provisions of Title I of the act, which constitute portions of Parts 602, 603, 604, 606, 609, 611, 612 and 617 of this chapter. For these regulations see Executive Order 9979, *supra*; for proclamation fixing days for registration, see Proclamation 2799, *supra*.

### Chapter XXIV—Department of State, Disposal of Surplus Property

[Departmental Reg. 108.72; FLC Reg. 8,  
Order 6]

#### PART 8508—DISPOSAL OF SURPLUS PROP- ERTY LOCATED IN FOREIGN AREAS

#### IMPORTATION INTO UNITED STATES

#### Correction

In Schedule A of Federal Register Document 48-6382, appearing on page 4101 of the issue for Saturday, July 17, 1948, the first word in the third line of the paragraph beginning "Telephone" should read "line".

## TITLE 43—PUBLIC LANDS: INTERIOR

### Subtitle A—Office of the Secretary of the Interior

[Order 2444]

#### PART 12—PAYMENTS TO SCHOOL DISTRICTS

#### SUBPART A—BOULDER CITY SCHOOL DISTRICT, NEVADA, BOULDER CANYON PROJECT

The following Part 12, Subpart A is added to Title 43, Subtitle A:

Sec.

12.1 Average cost of instruction.

12.2 Payment to school district.

12.3 Certified copy to school district.

AUTHORITY: §§ 12.1 to 12.3, inclusive, issued under sec. 2, 54 Stat. 774, Pub. Law 528, 80th Cong.; 43 U. S. C. 618a.

§ 12.1 *Average cost of instruction.* The principal local officer of each employing agency of the United States at Boulder City, Nevada, upon written certification sworn to by the President of the Board of Trustees of the Boulder City School District or his duly authorized representative, of the following facts:

(a) The average cost of instruction per pupil per day of pupils enrolled in the high school and in the grade school of the Boulder City School District during the semester for which payment is claimed;

(b) The names of those pupils in the high school and in the grade school who are believed to be dependents of employees of that agency living in or in the immediate vicinity of Boulder City and, as to each of them, the number of days during that semester that he or she attended school, the first and last dates of attendance during that semester, and the name and address of the person upon whom she or he is dependent; shall promptly satisfy himself that the statements therein made are correct and particularly that each person therein listed as one upon whom a pupil was dependent was, in fact, an employee of his agency throughout the period of that pupil's school attendance and, upon so satisfying himself, shall certify to the Director of Power, Bureau of Reclamation, Boulder City, the cost of instruction per semester (which shall be taken, for each pupil, as (1) \$65 or (2) the product of the number of days that pupil was in attendance at school and the average cost of instruction in that school per pupil per day, whichever of the two is the smaller) for which payment may lawfully be made pursuant to the terms of section 2 of the act of July 19, 1940 (43 U. S. C. 618a), as amended by the act of May 14, 1948 (Public Law 528, 80th Congress). In the event that a person upon whom dependency of a pupil is claimed was employed by the agency concerned during only part of the period of school attendance, the principal local officer of that agency shall advise the President of the Board of Trustees of the Boulder City School District, or his duly authorized representative, of the date within the semester in question upon which he entered or left the employ of that agency and shall request a certification as above of the number of days' attendance at school by the dependent during the period of employment by that agency, and shall, in certifying to the Director of Power the cost of instruction as aforesaid, make his computations accordingly.

§ 12.2 *Payment to school district.* Upon receipt of the certification of the principal local officer of any agency as aforesaid, the Director of Power shall promptly pay to the appropriate officer of the Boulder City School District the amount so certified as due under the terms of section 2 of the act of July 19, 1940 (43 U. S. C. 618a), as amended by

the act of May 14, 1948 (Public Law 528, 80th Congress). However, such payment shall not prejudice the setting-off of overpayments, if any such be later discovered, against payments thereafter coming due under said act or their recoupment by other lawful means.

§ 12.3 *Certified copy to school district.* A certified copy of this regulation shall be furnished the Boulder City School District for its information and guidance.

MASTIN G. WHITE,  
Acting Secretary of the Interior.

JULY 12, 1948.

[F. R. Doc. 48-6531; Filed, July 21, 1948;  
8:48 a. m.]

## Chapter I—Bureau of Land Management, Department of the Interior

[Order 318]

### PART 50—ORGANIZATION AND PROCEDURE

#### DELEGATIONS TO CHIEFS OF DIVISIONS AND CHIEFS OF SUBDIVISIONS OF DIVISIONS

JULY 16, 1948.

Paragraph (a) of § 50.352 is amended by adding subparagraphs (25), (28), (29), (32) and (33) as follows:

§ 50.352 *Functions of the Chief, Division of Adjudication and the Chiefs of Subdivisions of that Division, with respect to various statutes.* (a) \* \* \*

(25) Approval of all bonds filed in connection with oil and gas leases, including collective bonds, where the officer has authority under any subparagraph of this paragraph to act on such leases.

(28) With respect to all mineral leases: Approval of assignments of leases or royalty interests, of operating agreements and assignments of such agreements, and of subleases, where the officer has authority under any subparagraph of this paragraph to act on such leases.

(29) Cancellation of liability on contracts (including leases and permits) and bonds after the contract has been fully performed, or terminated by agreement of the parties, and the determination incident to the cancellation of such liability, where the officer has authority under any subparagraph of this paragraph to act on such contracts, leases, or permits.

(32) Acceptance of surrender of part or entire leases and permits of all types administered by the Bureau of Land Management, where the officer has authority under any subparagraph of this paragraph to act on such leases and permits.

(33) Elimination from leases and permits of all type, of such lands which, having been previously disposed of, or having been subject to a withdrawal or reservation, were erroneously included.

(R. S. 161; 5 U. S. C. 227; Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

MARTON CLAWSON,  
Director.

[F. R. Doc. 48-6538; Filed, July 21, 1948;  
8:50 a. m.]

\* The numbers of the subparagraphs in this section correspond with the numbers of the related subparagraphs in 43 CFR 4.275 (a).

## Appendix—Public Land Orders [Public Land Order 495]

### MINNESOTA

#### MODIFYING THE BELTRAMI WILDLIFE MANAGEMENT AREA

##### Correction

In Federal Register Document 48-6290, appearing on page 4015 of the issue for Thursday, July 15, 1948, the last line of the first land description should read: "Sec. 29, N $\frac{1}{2}$ NE $\frac{1}{4}$ ".

[Public Land Order 497]

### OREGON

#### WITHDRAWING PUBLIC LANDS FOR THE USE OF DEPARTMENT OF ARMY FOR FLOOD CON- TROL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use in connection with the construction of the Fern Ridge Dam and Reservoir Project under the supervision of the Department of the Army as authorized by the act of June 28, 1938 (52 Stat. 1215-1222):

##### WILLAMETTE MERIDIAN

T. 17 S., R. 5 W.,  
Sec. 27, lots 2 and 3 (Revested Oregon and California railroad grant lands);  
Sec. 28, lot 5.

The area described aggregates 5.27 acres.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed by the Department of the Army for the purposes for which they are reserved.

MASTIN G. WHITE,  
Acting Secretary of the Interior.

JULY 13, 1948.

[F. R. Doc. 48-6533; Filed, July 21, 1948;  
8:49 a. m.]

[Public Land Order 498]

### ALASKA

#### WITHDRAWING PUBLIC LAND FOR USE OF BUREAU OF LAND MANAGEMENT AS AN AD- MINISTRATIVE SITE AND REDUCING AIR- NAVIGATION SITE WITHDRAWAL NO. 129

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, and section 4 of the act of May 24, 1928, c. 728, 45 Stat. 729 (49 U. S. C. 214), it is ordered as follows:

Subject to valid existing rights, the tract of public land near Ruby, Alaska, described below by metes and bounds, is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral leasing laws, and reserved for the use of the Fire Control Service, Bureau of Land Management, Department

of the Interior, as an administrative site:

Beginning at a point in approximate latitude 64°43'04" N., longitude 155°27'55" W., from which the stone marking the intersection of Hill Street and Fourth Avenue in Ruby, Alaska, bears S. 68°24' W., 6.741 chs. distant.

From the initial point,  
N. 65°20' E., 6 chs.,  
S. 24°40' E., 4 chs.,  
S. 65°20' W., 6 chs.,  
N. 24°40' W., 4 chs. to the place of beginning.

The tract as described contains 2.4 acres.

The order of the Assistant Secretary of the Interior dated September 22, 1939, establishing Air-Navigation Site Withdrawal No. 129, is hereby revoked as to Tract No. 2, containing approximately 0.52 acre, which is included in the above-described area reserved by this order.

MASTIN G. WHITE,  
Acting Secretary of the Interior.

JULY 13, 1948.

[F. R. Doc. 48-6535; Filed, July 21, 1948;  
8:49 a. m.]

[Public Land Order 499]

### CALIFORNIA

#### MODIFICATION OF EXECUTIVE ORDER NO. 6206 OF JULY 16, 1933

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (43 U. S. C. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, Executive Order No. 6206 of July 16, 1933, withdrawing certain lands in California in aid of proposed legislation withdrawing the lands for the protection of the water supply of the City of Los Angeles, is hereby modified to the extent necessary to permit locations and entries under the mining laws for nonmetalliferous mineral deposits on the following-described public lands:

##### MOUNT DIABLO MERIDIAN

T. 21 S., R. 38 E.,  
Secs. 18 and 19.  
T. 22 S., R. 38 E.,  
Sec. 30, S $\frac{1}{2}$ ;  
Sec. 31, N $\frac{1}{2}$ .

The areas described aggregate 1,894.20 acres.

Portions of the sections described in T. 22 S., R. 38 E., are included in power transmission withdrawals. Any location or entry of these lands for nonmetalliferous minerals will be subject to the provisions of section 24 of the Federal Power Act of June 10, 1920, as amended, 41 Stat. 1075; 49 Stat. 846 (46 U. S. C. 818), as provided in 43 CFR 103.8.

This order shall become effective at 10:00 a. m. on September 15, 1948.

MASTIN G. WHITE,  
Acting Secretary of the Interior.

JULY 14, 1948.

[F. R. Doc. 48-6537; Filed, July 21, 1948;  
8:50 a. m.]

## RULES AND REGULATIONS

TITLE 49—TRANSPORTATION  
AND RAILROADSChapter I—Interstate Commerce  
Commission

[Rev. S. O. 434, Amdt. 1]

## PART 95—CAR SERVICE

FREE TIME ON BOX CARS AT PACIFIC COAST  
PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of July A. D. 1948.

Upon further consideration of the provisions of Revised Service Order No. 434 (12 F. R. 8680), and good cause appearing therefor: *It is ordered*, That:

Revised Service Order No. 434, be, and it is hereby, amended by substituting the following paragraphs (a) and (d) of § 95.434, *Free time on box cars at Pacific coast ports*, for paragraphs (a) and (d) thereof:

(a) *Free time reduced at Pacific coast ports.* Allow, grant, or permit more than a total of 7 days free time (computed in accordance with applicable tariff provisions) on loaded box cars held at Pacific coast ports for unloading coastwise, intercoastal (including United States territories, insular possessions and Puerto Rico) or foreign traffic from car to vessel or when held short of such port transfer point. The provisions of this paragraph shall not be construed to require or permit the increase of any free time published in tariffs lawfully on file with this Commission.

(d) *Expiration date.* This section shall expire at 7:00 a. m., November 15, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

*It is further ordered*, That this order shall become effective at 12:01 a. m., July 30, 1948; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 48-6549; Filed, July 21, 1948;  
8:52 a. m.]

[Rev. S. O. 558, Amdt. 7]

## PART 95—CAR SERVICE

REFRIGERATOR CARS FOR FRUIT AND  
VEGETABLE CONTAINERS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of July A. D. 1948.

Upon further consideration of Revised Service Order No. 558 (11 F. R. 11817), as amended (11 F. R. 12233; 12 F. R. 4002, 5966, 6911, 8775), and good cause appearing thereof: *It is ordered*, That:

Section 95.558 *Substitution of refrigerator cars for box cars, to transport fruit and vegetable containers and box shooks*, of Revised Service Order No. 558, be, and it is hereby, further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 11:59 p. m., November 17, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

*It is further ordered*, That this amendment shall become effective at 12:01 a. m., July 17, 1948; that a copy of this order be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 48-6548; Filed, July 21, 1948;  
8:51 a. m.]

Chapter II—Office of Defense  
TransportationPART 500—CONSERVATION OF RAIL  
EQUIPMENTSHIPMENTS OF NEW FRESH HARVESTED IRISH  
POTATOES

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[General Permit ODT 18A, Rev.-39B, Amdt. 1]

PART 520—CONSERVATION OF RAIL EQUIP-  
MENT; EXCEPTIONS, PERMITS AND SPECIAL  
DIRECTIONSSHIPMENTS OF NEW FRESH HARVESTED  
IRISH POTATOES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, *It is ordered*, That paragraph (b) of § 520.540 of General Permit ODT 18A, Revised-39B, be amended to read as follows:

§ 520.540 *Shipments of new fresh harvested Irish potatoes.* \* \* \*

(b) When the origin point of any such freight is any point or place in the States of Arizona, California or New Mexico, and the quantity loaded in the car is not less than 36,000 pounds.

This Amendment 1 to General Permit ODT 18A, Revised-39B shall become effective July 20, 1948, and shall expire September 30, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 19th day of July 1948.

J. M. JOHNSON,

Director,

Office of Defense Transportation.

[F. R. Doc. 48-6550; Filed, July 21, 1948;  
8:52 a. m.]

## TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service,  
Department of the InteriorPART 11—ESTABLISHMENT, ETC., OF  
NATIONAL WILDLIFE REFUGES

## MINNESOTA

CROSS REFERENCE: For correction of order modifying the Beltrami Wildlife Management Area, Minnesota, thereby affecting the tabulation contained in § 11.1, see the Appendix to Chapter I of Title 43, *supra* correcting Public Land Order 495.

## PROPOSED RULE MAKING

## TREASURY DEPARTMENT

## Bureau of Internal Revenue

[26 CFR, Parts 402, 403]

EMPLOYMENT TAX REGULATIONS RELATING  
TO CERTAIN VENDORS OF NEWSPAPERS  
AND MAGAZINES

## NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 1429 and 1609 of the Internal Revenue Code (53 Stat. 178, 188; 26 U. S. C. 1429, 1609) and sections 1, 2, and 3 of Public Law 492, 80th Congress, enacted April 20, 1948.

[SEAL] GEO. J. SCHOENEMAN,  
Commissioner of Internal Revenue.

In order to conform Regulations 106 (26 CFR, Part 402), relating to the employees' tax and the employers' tax under the Federal Insurance Contributions Act (Subchapter A, Chapter 9, Internal Revenue Code), to sections 1 and 3 of Public Law 492, 80th Congress, enacted April 20, 1948, and Regulations 107 (26 CFR, Part 403), relating to the excise tax on employers under the Federal Unemployment Tax Act (Subchapter C, Chapter 9, Internal Revenue Code), to sections 2 and 3 of such Public Law 492, such regulations are amended as follows:

PARAGRAPH 1. Immediately preceding the caption "Section 3797 (a) and (b) of the Internal Revenue Code" as set forth preceding § 402.201, the following is inserted:

SECTION 1 OF PUBLIC LAW 492 (80TH CONG.),  
ENACTED APRIL 20, 1948

That (a) \* \* \* section 1426 (b) (15) of the Internal Revenue Code, as amended, \* \* \* [is] hereby amended to read as follows:

(15) (A) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(B) Service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back; or.

(b) The amendment made by subsection (a) \* \* \* to section 1426 (b) (15) of the Internal Revenue Code shall be applicable with respect to services performed after December 31, 1939.

PAR. 2. Section 402.203, as amended by Treasury Decision 5519, approved June 14, 1946, is further amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof a comma and the following: "and as further amended, effective January 1, 1940, by section 1 of Public Law 492, 80th Congress, relating to certain vendors of newspapers and magazines."

PAR. 3. Section 402.206, as amended by Treasury Decision 5519, is further amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof a comma and the following: "and as further amended, effective January 1, 1940, by section 1 of Public Law 492, 80th Congress, relating to certain vendors of newspapers and magazines."

PAR. 4. Immediately preceding § 402.226, the following is inserted:

SECTION 1 OF PUBLIC LAW 492 (80TH CONG.),  
ENACTED APRIL 20, 1948

That (a) \* \* \* section 1426 (b) (15) of the Internal Revenue Code, as amended, \* \* \* [is] hereby amended to read as follows:

(15) (A) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(B) Service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back; or.

(b) The amendment made by subsection (a) \* \* \* to section 1426 (b) (15) of the Internal Revenue Code shall be applicable with respect to services performed after December 31, 1939.

PAR. 5. Section 402.226 is amended to read as follows:

§ 402.226 *Delivery and distribution of newspapers, shopping news, and magazines*—(a) *In general.* Subparagraph (A) of section 1426 (b) (15) of the act, as amended by section 1 of Public Law 492, 80th Congress, enacted April 20, 1948, excepts certain services performed by an employee under the age of 18 in the delivery or distribution of newspapers or shopping news. This exception, which is dealt with in paragraph (b) of this section, continues without change the exception contained in section 1426 (b) (15), as added by section 606 of the Social Security Act Amendments of 1939. Subparagraph (B) of section 1426 (b) (15), added by section 1 of Public Law 492, excepts certain services in the sale of newspapers and magazines without re-

gard to the age of the individual performing the services. Such exception is dealt with in paragraph (c) of this section. The exceptions in subparagraph (A) and subparagraph (B) are both applicable with respect to services performed after December 31, 1939.

(b) *Services of individuals under age 18.* Services performed by an employee under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution (as, for example, by a regional distributor) to any point for subsequent delivery or distribution, are excepted. Thus, the services performed by an employee under the age of 18 in making house-to-house delivery or sale of newspapers or shopping news, including handbills and other similar types of advertising material, are excepted. The services are excepted irrespective of the form or method of compensation. Incidental services by the employee who makes the house-to-house delivery, such as services in assembling newspapers, are considered to be within the exception. The exception continues only during the time that the employee is under the age of 18.

(c) *Services of individuals of any age.* Services performed by an employee in, and at the time of, the sale of newspapers or magazines to ultimate consumers under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, are excepted. The services are excepted whether or not the employee is guaranteed a minimum amount of compensation for such services, or is entitled to be credited with the unsold newspapers or magazines turned back. Moreover, the services are excepted without regard to the age of the employee. Services performed other than at the time of sale to the ultimate consumer are not within the exception. Thus, the services of a regional distributor which are antecedent to but not immediately part of the sale to the ultimate consumer are not within the exception. However, incidental services by the employee who makes the sale to the ultimate consumer, such as services in assembling newspapers or in taking newspapers or magazines to the place of sale, are considered to be within the exception.

PAR. 6. Immediately preceding § 402.704, the following is inserted:

SECTION 3 OF PUBLIC LAW 492 (80TH CONG.),  
ENACTED APRIL 20, 1948

If any amount paid prior to the date of the enactment of this Act constitutes an overpayment of tax solely by reason of an amendment made by this Act, no refund or credit shall be made or allowed with respect to the amount of such overpayment.

PAR. 7. Section 402.704, as amended by Treasury Decision 5519, is further amended by inserting at the end of such section, the following:

## PROPOSED RULE MAKING

(i) *Prohibition of refund or credit.* No refund or credit is allowable with respect to any amount paid prior to April 20, 1948, the date of the enactment of Public Law 492, 80th Congress (relating to the exception of certain services performed by vendors of newspapers and magazines), which constitutes an overpayment of tax solely by reason of an amendment made by such law. (For provisions relating to services excepted from employment by Public Law 492, 80th Congress, see § 402.226 (c).)

PAR. 8. Immediately preceding the caption "Section 3797 (a) and (b) of the Internal Revenue Code" as set forth preceding § 403.201, the following is inserted:

SECTION 2 OF PUBLIC LAW 492 (80TH CONG.),  
ENACTED APRIL 20, 1948

(a) Section 1607 (c) (15) of the Internal Revenue Code, as amended, is hereby amended to read as follows:

(15) (A) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(B) Service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back.

(b) The amendment made by subsection (a) shall be applicable with respect to services performed after December 31, 1939, and, as to services performed before July 1, 1946, shall be applied as if such amendment had been a part of section 1607 (c) (15) of the Internal Revenue Code as added to such code by section 614 of the Social Security Act Amendments of 1939.

PAR. 9. Section 403.203, as amended by Treasury Decision 5566, approved June 23, 1947, is further amended as follows:

(A) By striking out in the first sentence thereof the words "and as further amended" and inserting in lieu thereof "and as amended".

(B) By striking out the period at the end of the first sentence thereof and inserting in lieu thereof a comma and the following: "and as further amended, effective January 1, 1940, by section 2 of Public Law 492, 80th Congress, relating to certain vendors of newspapers and magazines."

PAR. 10. Section 403.206, as amended by Treasury Decision 5566, is further amended as follows:

(A) By striking out in the first sentence thereof the words "and as further amended" and inserting in lieu thereof "and as amended".

(B) By striking out the period at the end of the first sentence thereof and inserting in lieu thereof a comma and the following: "and as further amended, effective January 1, 1940, by section 2 of Public Law 492, 80th Congress, relating to certain vendors of newspapers and magazines."

PAR. 11. Immediately preceding § 403.226, the following is inserted:

SECTION 2 OF PUBLIC LAW 492 (80TH CONG.),  
ENACTED APRIL 20, 1948

(a) Section 1607 (c) (15) of the Internal Revenue Code, as amended, is hereby amended to read as follows:

(15) (A) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(B) Service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back;

(b) The amendment made by subsection (a) shall be applicable with respect to services performed after December 31, 1939, and, as to services performed before July 1, 1946, shall be applied as if such amendment had been a part of section 1607 (c) (15) of the Internal Revenue Code as added to such code by section 614 of the Social Security Act Amendments of 1939.

PAR. 12. Section 403.226 is amended to read as follows:

§ 403.226 *Delivery and distribution of newspapers, shopping news, and magazines*—(a) *In general.* Subparagraph

(A) of section 1607 (c) (15) of the act, as amended by section 2 of Public Law 492, 80th Congress, enacted April 20, 1948, excepts certain services performed by an employee under the age of 18 in the delivery or distribution of newspapers or shopping news. This exception, which is dealt with in paragraph (b) of this section, continues without change the exception contained in section 1607 (c) (15), as added by section 614 of the Social Security Act Amendments of 1939. Subparagraph (B) of section 1607 (c) (15), added by section 2 of Public Law 492, excepts certain services in the sale of newspapers and magazines without regard to the age of the individual performing the services. Such exception is dealt with in paragraph (c) of this section. The exceptions in subparagraph (A) and subparagraph (B) are both applicable with respect to services performed after December 31, 1939.

(b) *Services of individuals under age 18.* Services performed by an employee under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution (as, for example, by a regional distributor) to any point for subsequent delivery or distribution, are excepted. Thus, the services performed by an employee under the age of 18 in making house-to-house delivery or sale of newspapers or shopping news, including handbills and other similar types of advertising material, are excepted. The services are excepted irrespective of the form or method of compensation. Incidental services by the employee who makes the house-to-house delivery, such as services in assembling newspapers, are considered to be within the exception. The exception continues only during the time that the employee is under the age of 18.

(c) *Services of individuals of any age.* Services performed by an employee in, and at the time of, the sale of newspapers or magazines to ultimate consumers under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, are excepted. The services are excepted whether or not the employee is guaranteed a minimum amount of compensation for such services, or is entitled to be credited with the unsold newspapers or magazines turned back. Moreover, the services are excepted without regard to the age of the employee. Services performed other than at the time of sale to the ultimate consumer are not within the exception. Thus, the services of a regional distributor which are antecedent to but not immediately part of the sale to the ultimate consumer are not within the exception. However, incidental services by the employee who makes the sale to the ultimate consumer, such as services in assembling newspapers or in taking newspapers or magazines to the place of sale, are considered to be within the exception.

PAR. 13. Immediately preceding § 403.602, the following is inserted:

SECTION 3 OF PUBLIC LAW 492 (80TH CONG.),  
ENACTED APRIL 20, 1948

If any amount paid prior to the date of the enactment of this act constitutes an overpayment of tax solely by reason of an amendment made by this act, no refund or credit shall be made or allowed with respect to the amount of such overpayment.

PAR. 14. Section 403.602, as amended by Treasury Decision 5519, is further amended by inserting after paragraph (k) of such section, the following new paragraph:

(l) *Prohibition of refund or credit.* No refund or credit is allowable with respect to any amount paid prior to April 20, 1948, the date of the enactment of Public Law 492, 80th Congress (relating to the exception of certain services performed by vendors of newspapers and magazines), which constitutes an overpayment of tax solely by reason of an amendment made by such law. (For provisions relating to services excepted from employment by Public Law 492, 80th Congress, see § 403.226 (c).)

[F. R. Doc. 48-6574; Filed, July 21, 1948;  
8:59 a. m.]

## DEPARTMENT OF AGRICULTURE

Production and Marketing  
Administration

## [7 CFR, Part 52]

UNITED STATES STANDARDS FOR GRADES OF  
CANNED GRAPEFRUIT JUICE<sup>1</sup>

## NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the authority contained in the Department of

<sup>1</sup> The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 2nd Sess., approved June 19, 1948), that the United States Department of Agriculture is considering the revision, as herein proposed, of the United States Standards for Grades of Canned Grapefruit Juice (11 F. R. 12431). The aforesaid standards have been in effect since November 1, 1946, and this revision, if made effective,

will be the sixth issue by the Department for canned grapefruit juice.

The revision is proposed to improve further the quality of canned grapefruit juice by changing the proportionate degree of sweetness to acidity.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision of these standards shall

file the same in quadruplicate with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.365 *Canned grapefruit juice.* Canned grapefruit juice is the undiluted, unfermented juice obtained from the matured fresh fruit of the grapefruit tree (*Citrus paradisi*) which fruit has been properly washed; may be packed with or without the addition of a sweetening ingredient; and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

(a) *Grades of canned grapefruit juice.*

(1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned grapefruit juice that possesses a bright typical color; is practically free from defects; possesses a fine, distinct normal canned grapefruit juice flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this section. Canned grapefruit juice of this grade meets the following requirements:

- (i) *Brix.* Not less than 9.5 degrees.
- (ii) *Acid.* Not less than 0.90 gm. nor more than 2.0 gm., calculated as anhydrous citric, per 100 ml. of juice.
- (iii) *Brix-acid ratio.* The Brix value is not less than 9 times the acid value, minus the factor 1.5; and the ratio of the Brix value to the acid value does not exceed 14 to 1.
- (iv) *Recoverable oil.* Not more than 0.015 percent by volume of recoverable oil.

(v) *Pulp.* Not more than 10 percent free and suspended pulp.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of canned grapefruit juice that possesses a good typical color; is fairly free from defects; possesses a good, normal canned grapefruit juice flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this section. Canned grapefruit juice of this grade meets the following requirements:

- (i) *Brix.* Not less than 9.0 degrees.
- (ii) *Acid.* Not less than 0.80 gm. of acid, calculated as anhydrous citric, per 100 ml. of juice.
- (iii) *Brix-acid ratio.* The Brix value is not less than 7 times the acid value.
- (iv) *Recoverable oil.* Not more than 0.020 percent by volume of recoverable oil.

(v) *Pulp.* Not more than 15 percent free and suspended pulp.

(3) "U. S. Grade D" or "Substandard" is the quality of canned grapefruit juice that fails to meet the requirements of U. S. Grade C or U. S. Standard.

(b) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that canned grapefruit juice occupy not less than 90 percent of the volume capacity of the container.

#### OIL SEPARATORY TRAP

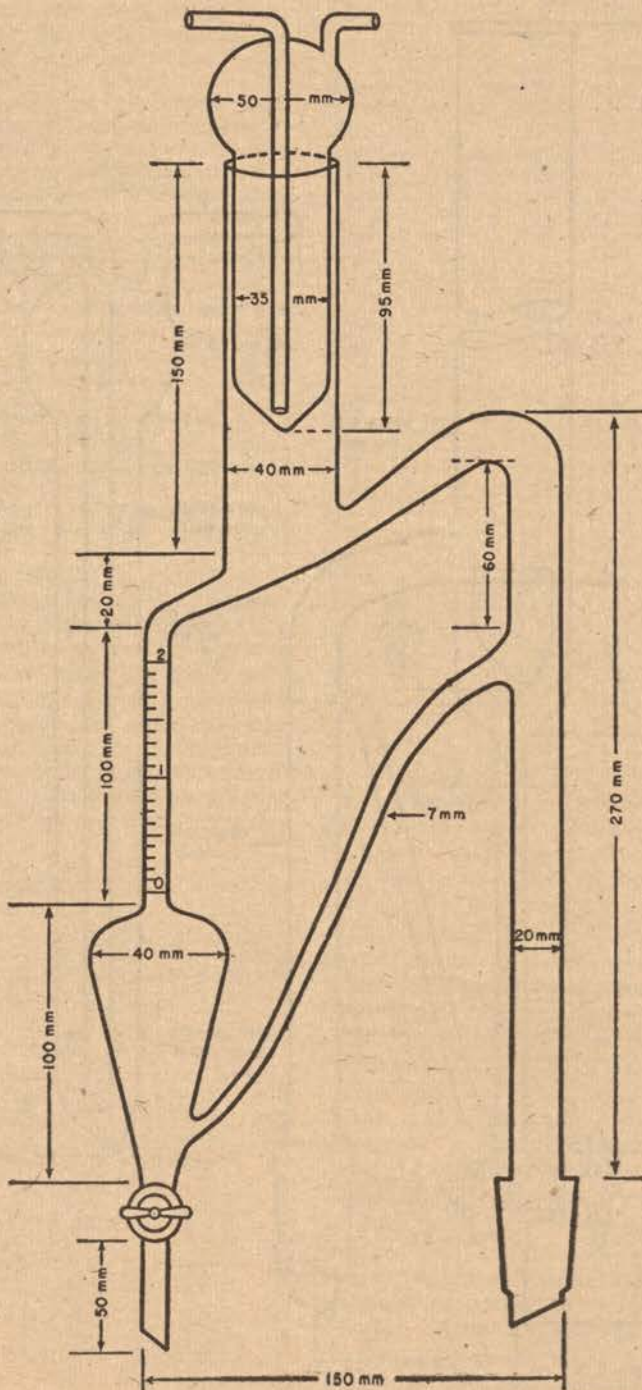


FIGURE 1

(c) *Ascertaining the grade.* The grade of canned grapefruit juice may be ascertained by considering, in addition to the foregoing requirements, the following factors: Color, absence of defects, and flavor. The relative importance of each factor has been expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

	Points
(1) Color .....	20
(2) Absence of defects .....	40
(3) Flavor .....	40
Total score .....	100

(d) *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Canned grapefruit juice that possesses a bright typical color may be given a score of 17 to 20 points. "Bright typical color" means that the grapefruit juice possesses a bright color typical of freshly extracted juice and is free from traces of browning due to scorching, oxidation, caramelization, or other causes.

(ii) If the canned grapefruit juice possesses a good typical color, a score of 14 to 16 points may be given. Canned grapefruit juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good typical color" means that the grapefruit juice is typical but may show evidence of slight browning.

(iii) If the canned grapefruit juice is definitely dull, murky, or off-color for any reason, a score of 0 to 13 points may be given. Canned grapefruit juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from particles of membrane, core, skin, seeds and seed particles, "rag," recoverable oil, residue, similar substances, or other defects.

(i) Canned grapefruit juice that is practically free from defects may be given a score of 34 to 40 points. Canned grapefruit juice that shows coagulation shall not be scored in this classification. "Practically free from defects" means that the juice may contain not more than 10 percent free and suspended pulp and that there may be present not more than 0.015 percent by volume of recoverable oil when determined in accordance with the methods outlined in this section; and that the juice contains no noticeable seed particles, similar substances, nor other defects.

(ii) If canned grapefruit juice is fairly free from defects, a score of 28 to 33 points may be given. Canned grapefruit juice that shows more than a slight coagulation shall not be scored in this classification. Canned grapefruit juice that falls into this classification shall not

be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the juice may contain not more than 15 percent free suspended pulp and that there may be present not more than 0.020 percent by volume of recoverable oil when determined in accordance with the methods outlined in this section; and that seed particles, similar substances,

or other defects may be noticeable but not prominent.

(iii) If the canned grapefruit juice fails to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 27 points may be given. Canned grapefruit juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

#### OIL SEPARATORY TRAP

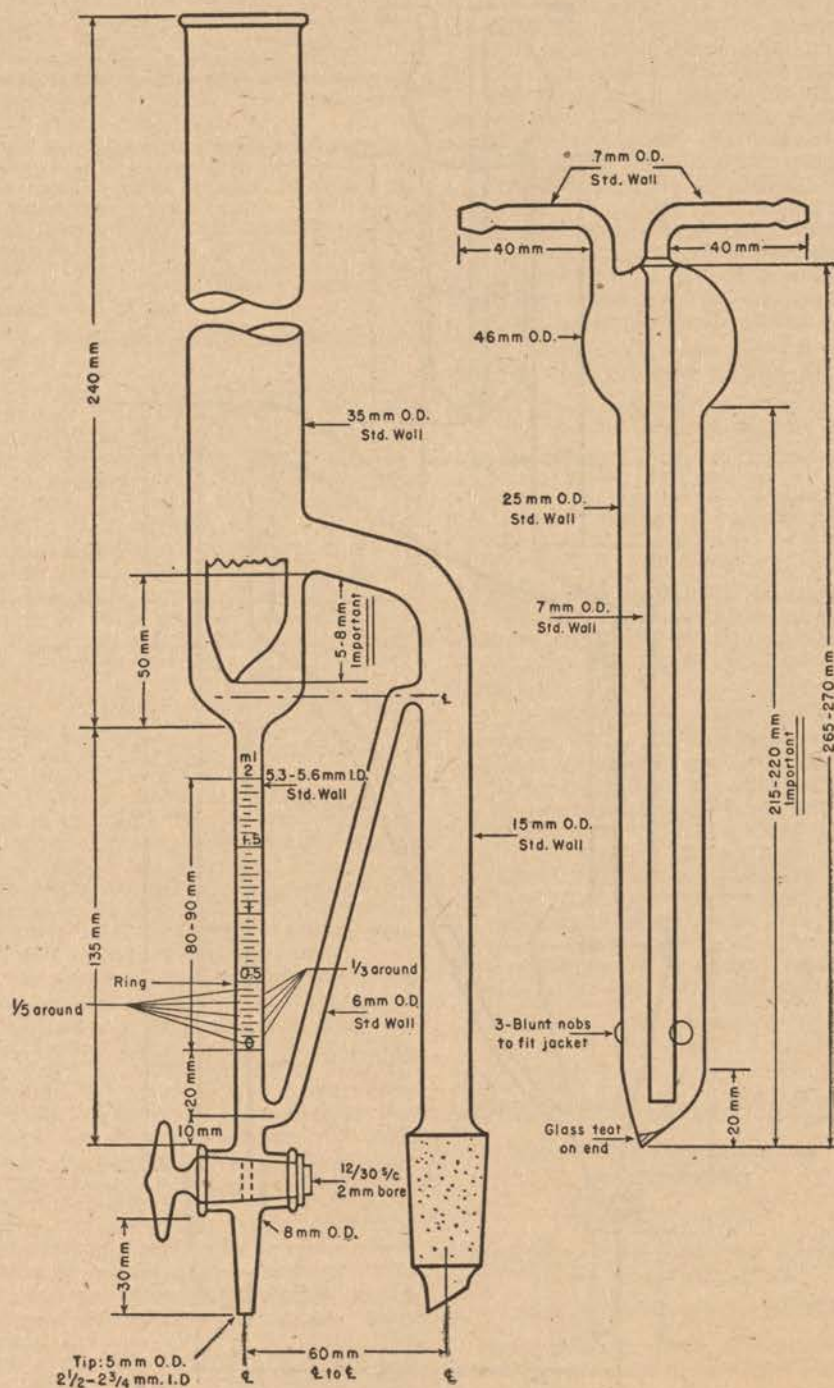


FIGURE 2

(3) *Flavor.* (i) Canned grapefruit juice that possesses a fine, distinct, normal canned grapefruit juice flavor, free from traces of scorching, caramelization, oxidation, or terpene may be given a score of 34 to 40 points. To score in this classification canned grapefruit juice shall meet the following additional requirements:

*Brix.* Not less than 9.5 degrees.

*Acid.* Not less than 0.90 gm. nor more than 2.0 gm., calculated as anhydrous citric, per 100 ml. of juice.

*Brix-acid ratio.* The Brix value is not less than 9 times the acid value, minus the factor 1.5. (See Table No. I.)

The ratio of the Brix value to the acid value does not exceed 14 to 1. (See Table No. I.)

(ii) If the canned grapefruit juice possesses a good, normal canned grapefruit juice flavor, having a slightly caramelized or an oxidized flavor, but not an objectionable flavor, a score of 28 to 33 points may be given. Canned grapefruit juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). To score in this classification canned grapefruit juice shall meet the following additional requirements:

*Brix.* Not less than 9.0 degrees.

*Acid.* Not less than 0.80 gm., calculated as anhydrous citric, per 100 ml. of juice.

*Brix-acid ratio.* The Brix value is not less than 7 times the acid value. (See Table No. I.)

(iii) If the canned grapefruit juice fails to meet the requirements of subdivision (ii) of this subparagraph, or if the canned grapefruit juice has the flavor of green fruit, is off-flavor, or is distinctly unpalatable for any reason, a score of 0 to 27 points may be given. Canned grapefruit juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE NO. I—MAXIMUM AND MINIMUM ACID FOR THE RESPECTIVE GRADES

Degree Brix	U. S. Grade A or U. S. Fancy (grams acid per 100 ml.)		U. S. Grade C or U. S. Standard (grams acid per 100 ml.)	
	Maximum	Minimum	Maximum	Minimum
9.0			1.29	0.80
9.1			1.30	.80
9.2			1.31	.80
9.3			1.33	.80
9.4			1.34	.80
9.5	1.22	0.90	1.36	.80
9.6	1.23	.90	1.37	.80
9.7	1.24	.90	1.39	.80
9.8	1.25	.90	1.40	.80
9.9	1.27	.90	1.41	.80
10.0	1.28	.90	1.43	.80
10.1	1.29	.90	1.44	.80
10.2	1.30	.90	1.46	.80
10.3	1.31	.90	1.47	.80
10.4	1.32	.90	1.49	.80
10.5	1.33	.90	1.50	.80
10.6	1.34	.90	1.51	.80
10.7	1.35	.90	1.53	.80
10.8	1.37	.90	1.54	.80
10.9	1.38	.90	1.56	.80
11.0	1.39	.90	1.57	.80

TABLE NO. I—MAXIMUM AND MINIMUM ACID FOR THE RESPECTIVE GRADES—Continued

Degree Brix	U. S. Grade A or U. S. Fancy (grams acid per 100 ml.)		U. S. Grade C or U. S. Standard (grams acid per 100 ml.)	
	Maximum	Minimum	Maximum	Minimum
11.1	1.40	.90	1.59	0.80
11.2	1.41	.90	1.60	.80
11.3	1.42	.90	1.61	.80
11.4	1.43	.90	1.63	.80
11.5	1.44	.90	1.64	.80
11.6	1.45	.90	1.66	.80
11.7	1.47	.90	1.67	.80
11.8	1.48	.90	1.69	.80
11.9	1.49	.90	1.70	.80
12.0	1.50	.90	1.71	.80
12.1	1.51	.90	1.73	.80
12.2	1.52	.90	1.74	.80
12.3	1.53	.90	1.76	.80
12.4	1.54	.90	1.77	.80
12.5	1.55	.90	1.79	.80
12.6	1.57	.90	1.80	.80
12.7	1.58	.91	1.81	.80
12.8	1.59	.91	1.83	.80
12.9	1.60	.92	1.84	.80
13.0	1.61	.93	1.86	.80
13.1	1.62	.94	1.87	.80
13.2	1.63	.94	1.89	.80
13.3	1.64	.95	1.90	.80
13.4	1.65	.96	1.91	.80
13.5	1.67	.96	1.93	.80
13.6	1.68	.97	1.94	.80
13.7	1.69	.98	1.96	.80
13.8	1.70	.99	1.97	.80
13.9	1.71	.99	1.99	.80
14.0	1.72	1.00	2.00	.80
14.1	1.73	1.01	2.01	.80
14.2	1.74	1.01	2.03	.80
14.3	1.75	1.02	2.04	.80
14.4	1.77	1.03	2.06	.80
14.5	1.78	1.04	2.07	.80
14.6	1.79	1.04	2.09	.80
14.7	1.80	1.05	2.10	.80
14.8	1.81	1.06	2.11	.80
14.9	1.82	1.06	2.13	.80
15.0	1.83	1.07	2.14	.80
15.1	1.84	1.08	2.16	.80
15.2	1.85	1.09	2.17	.80
15.3	1.87	1.09	2.19	.80
15.4	1.88	1.10	2.20	.80
15.5	1.89	1.11	2.21	.80
15.6	1.90	1.11	2.23	.80
15.7	1.91	1.12	2.24	.80
15.8	1.92	1.13	2.26	.80
15.9	1.93	1.13	2.27	.80
16.0	1.94	1.14	2.29	.80
16.1	1.95	1.14	2.30	.80
16.2	1.97	1.15	2.31	.80
16.3	1.98	1.16	2.33	.80
16.4	1.99	1.17	2.34	.80
16.5	2.00	1.18	2.36	.80

(e) *Explanation of terms.* (1) "9.5 degrees Brix" means that the juice tests 9.5 degrees when tested with a Brix hydrometer, read at the proper temperature for the instrument used.

(2) "Normal canned grapefruit juice flavor" means that the product is free from objectionable flavors or off-flavors of any kind.

(3) "Free and suspended pulp" is determined by the following method:

Graduated centrifuge tubes with a capacity of 50 ml. are filled with juice and placed in a suitable centrifuge. The speed is adjusted, according to diameter, as indicated in Table No. II, and the juice is centrifuged for exactly 10 minutes. As used herein, "diameter" means the over-all distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp in the tube is multiplied by 2 to give the percentage of pulp.

TABLE NO. II

Diameter	Approximate revolutions per minute	Diameter	Approximate revolutions per minute
10 inches	1,609	15½ inches	1,292
10½ inches	1,570	16 inches	1,271
11 inches	1,534	16½ inches	1,252
11½ inches	1,500	17 inches	1,234
12 inches	1,468	17½ inches	1,216
12½ inches	1,438	18 inches	1,199
13 inches	1,410	18½ inches	1,182
13½ inches	1,384	19 inches	1,167
14 inches	1,359	19½ inches	1,152
14½ inches	1,336	20 inches	1,137
15 inches	1,313		

(4) "Acid" in canned grapefruit juice is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator. Acid is calculated as anhydrous citric acid.

(5) "Percent by volume of recoverable oil" in canned grapefruit juice is determined by the following method:

(i) *Equipment.*

Oil separatory trap similar to either of those illustrated in Figure 1 and Figure 2.

Gas burner or hot plate.

Ringstand and clamps.

Rubber tubing.

3-liter narrow-neck flask.

(ii) *Procedure.* Exactly 2 liters of juice are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute. By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

(f) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned grapefruit juice, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fail to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample fall more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

## PROPOSED RULE MAKING

## (g) Score sheet for canned grapefruit juice.

Size and kind of container.....	
Container mark or identification.....	
Label.....	
Net weight (in Avo. ounces) or Fluid measure (Fl. ounces).....	
Vacuum (in inches).....	
Density (degrees Brix).....	
Percent pulp.....	
Anhydrous citric acid (grams/100 ml.).....	
Percent recoverable oil (volume).....	
Factors	Score points
I. Color.....	20
II. Absence of defects.....	40
III. Flavor.....	40
Total score.....	100
Grade.....	

<sup>1</sup> Indicates limiting rule.

Issued this 19th day of July 1948.

[SEAL] JOHN I. THOMPSON,  
Assistant Administrator, Pro-  
duction and Marketing Ad-  
ministration.

[F. R. Doc. 48-6577; Filed, July 21, 1948;  
9:00 a. m.]

## [7 CFR, Part 52]

UNITED STATES STANDARDS FOR GRADES OF  
CANNED TANGERINE JUICE<sup>1</sup>

## NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 2d Sess., approved June 19, 1948), that the United States Department of Agriculture is considering the revision, as herein proposed, of the United States Standards for Grades of Canned Tangerine Juice (12 F. R. 1767). The aforesaid standards have been in effect since April 15, 1947, and this proposed revision, if made effective, will be the second issued by the Department for canned tangerine juice.

The revision is proposed to improve further the quality of canned tangerine juice by changing the proportionate degree of sweetness to acidity.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision of these standards shall file the same in quadruplicate with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

<sup>1</sup> The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

The proposed revision is as follows:

§ 52.667 *Canned tangerine juice.* Canned tangerine juice is the undiluted, unfermented juice obtained from the matured fresh fruit of the mandarin orange (*Citrus reticulata*) which fruit has been properly washed; may be packed with or without the addition of a sweetening ingredient; and is sufficiently processed by

heat to assure preservation of the product in hermetically sealed containers.

(a) *Grades of canned tangerine juice.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned tangerine juice that possesses a bright typical color; is practically free from defects; possesses a fine, distinct, normal canned tangerine juice flavor; and scores not less than 85 points when scored in accordance with

## OIL SEPARATORY TRAP

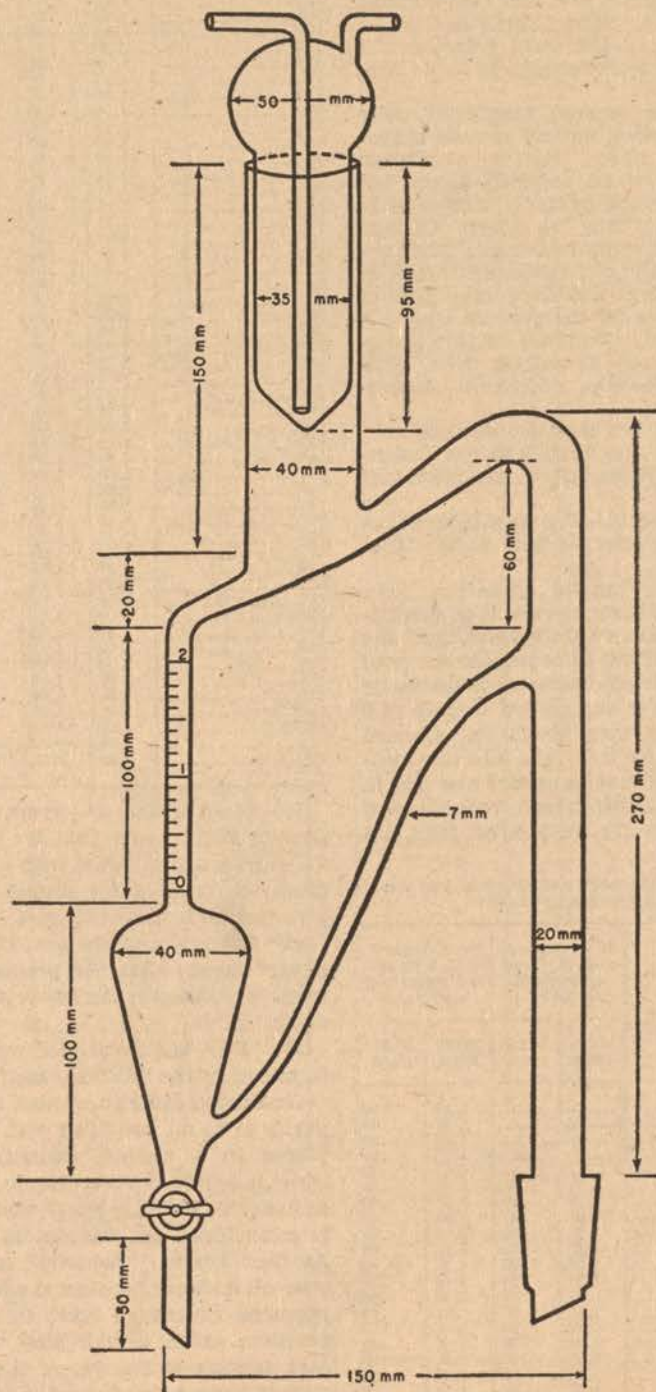


FIGURE 1

the scoring system outlined herein. Canned tangerine juice of this grade meets the following requirements:

- (i) *Brix*. Not less than 10.5 degrees.
- (ii) *Acid*. Not less than 0.70 gm. nor more than 1.40 gm., calculated as anhydrous citric, per 100 ml. of juice.
- (iii) *Brix-acid ratio*. The Brix value is not less than 11 times the acid value, minus the factor 1.5; and the ratio of the

Brix value to the acid value does not exceed 18 to 1.

- (iv) *Recoverable oil*. Not more than 0.020 percent by volume of recoverable oil.

- (v) *Pulp*. Not more than 7 percent free and suspended pulp.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of canned tangerine juice that possesses a good typical color;

is fairly free from defects; possesses a good, normal canned tangerine juice flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined herein. Canned tangerine juice of this grade meets the following requirements:

- (i) *Brix*. Not less than 10.0 degrees.
- (ii) *Acid*. Not less than 0.60 gm. nor more than 1.60 gm., calculated as anhydrous citric, per 100 ml. of juice.
- (iii) *Brix-acid ratio*. The Brix value is not less than 9 times the acid value.
- (iv) *Recoverable oil*. Not more than 0.030 percent by volume of recoverable oil.

- (v) *Pulp*. Not more than 10 percent free and suspended pulp.

(3) "U. S. Grade D" or "Substandard" is the quality of canned tangerine juice that fails to meet the requirements of U. S. Grade C or U. S. Standard.

(b) *Recommended fill of container*. The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that canned tangerine juice occupy not less than 90 percent of the volume capacity of the container.

(c) *Ascertaining the grade*. The grade of canned tangerine juice may be ascertained by considering in addition to the requirements of the respective grades, the following factors: Color, absence of defects, and flavor. The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

	Points
(1) Color .....	20
(2) Absence of defects .....	40
(5) Flavor .....	40
Total Score .....	100

(d) *Ascertaining the rating of each factor*. The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, the range "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color*. (i) Canned tangerine juice that possesses a bright typical color may be given a score of 17 to 20 points. "Bright typical color" means that the tangerine juice possesses a bright yellow to yellow-orange color typical of freshly extracted juice and is free from traces of browning due to scorching, oxidation, caramelization, or other causes.

(ii) If the canned tangerine juice possesses a good typical color, a score of 14 to 16 points may be given. Canned tangerine juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good typical color" means that the tangerine juice possesses a typical yellow to yellow-orange color that may be slightly amber or show evidence of slight browning.

(iii) If the canned tangerine juice is definitely dull or off-color for any reason, a score of 0 to 13 points may be given.

### OIL SEPARATORY TRAP

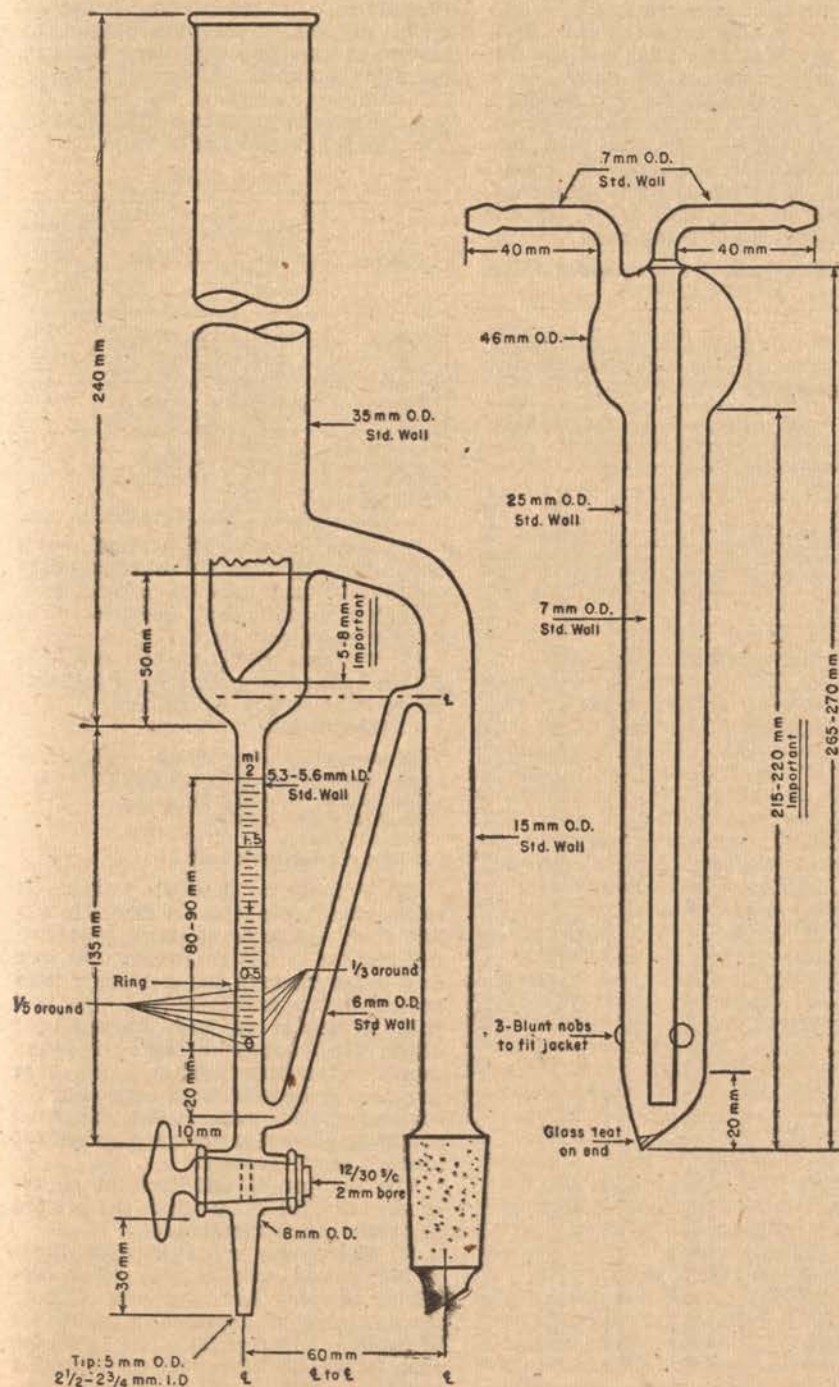


FIGURE 2

Canned tangerine juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from particles of membrane, core, skin, seeds and seed particles, "rag," recoverable oil, residue, similar substances, or other defects.

(i) Canned tangerine juice that is practically free from defects may be given a score of 34 to 40 points. Canned tangerine juice that shows coagulation shall not be scored in this classification. "Practically free from defects" means that the juice may contain not more than 7 percent free and suspended pulp and that there may be present not more than 0.020 percent by volume of recoverable oil when determined in accordance with the methods outlined herein; and that the juice does not contain any noticeable seed particles, similar substances, or other defects.

(ii) If the canned tangerine juice is fairly free from defects, a score of 28 to 33 points may be given. Canned tangerine juice that shows more than a slight coagulation shall not be scored in this classification. Canned tangerine juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the juice may contain not more than 10 percent free and suspended pulp and that there may be present not more than 0.030 percent by volume of recoverable oil when determined in accordance with the methods outlined herein; and that seed particles, similar substances, or other defects may be noticeable but are not prominent.

(iii) Canned tangerine juice that fails to meet the requirements of subdivision (ii) of this subparagraph, may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Flavor.* (i) Canned tangerine juice that possesses a fine, distinct, normal canned tangerine juice flavor, free from traces of scorching, caramelization, oxidation, or terpene may be given a score of 34 to 40 points. To score in this classification canned tangerine juice shall meet the following additional requirements:

*Brix.* Not less than 10.5 degrees.

*Acid.* Not less than 0.70 gm. nor more than 1.40 gm., calculated as anhydrous citric, per 100 ml. of juice.

*Brix-acid ratio.* The Brix value is not less than 11 times the acid value, minus the factor 1.5 (See Table No. I.)

The ratio of the Brix value to the acid value does not exceed 18 to 1. (See Table No. I.)

(ii) If the canned tangerine juice possesses a good normal canned tangerine juice flavor, having a slightly caramelized or an oxidized flavor, but not an objectionable flavor, a score of 28 to 33 points may be given. Canned tangerine juice that falls into this classification

shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). To score in this classification canned tangerine juice shall meet the following additional requirements:

*Brix.* Not less than 10.0 degrees.

*Acid.* Not less than 0.60 gm. nor more than 1.60 gm., calculated as anhydrous citric, per 100 ml. of juice.

*Brix-acid ratio.* The Brix value is not less than 9 times the acid value. (See Table No. I.)

(iii) If the canned tangerine juice fails to meet the requirements of subdivision (ii) of this subparagraph, or if the canned tangerine juice has the flavor of green fruit, is off flavor, or is distinctly unpalatable for any reason, a score of 0 to 27 points may be given. Canned tangerine juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE NO. I—MAXIMUM AND MINIMUM ACID FOR THE RESPECTIVE GRADES

Degree Brix	U. S. Grade A or U. S. Fancy (grams acid per 100 ml.)		U. S. Grade C or U. S. Standard (grams acid per 100 ml.)	
	Maximum	Minimum	Maximum	Minimum
10.0			1.11	0.60
10.1			1.12	.60
10.2			1.13	.60
10.3			1.14	.60
10.4			1.15	.60
10.5	1.09	0.70	1.17	.60
10.6	1.10	.70	1.18	.60
10.7	1.11	.70	1.19	.60
10.8	1.12	.70	1.20	.60
10.9	1.13	.70	1.21	.60
11.0	1.14	.70	1.22	.60
11.1	1.15	.70	1.23	.60
11.2	1.15	.70	1.24	.60
11.3	1.16	.70	1.25	.60
11.4	1.17	.70	1.27	.60
11.5	1.18	.70	1.28	.60
11.6	1.19	.70	1.29	.60
11.7	1.20	.70	1.30	.60
11.8	1.21	.70	1.31	.60
11.9	1.22	.70	1.32	.60
12.0	1.23	.70	1.33	.60
12.1	1.24	.70	1.34	.60
12.2	1.25	.70	1.35	.60
12.3	1.25	.70	1.37	.60
12.4	1.26	.70	1.38	.60
12.5	1.27	.70	1.39	.60
12.6	1.28	.70	1.40	.60
12.7	1.29	.70	1.41	.60
12.8	1.30	.71	1.42	.60
12.9	1.31	.71	1.43	.60
13.0	1.32	.72	1.44	.60
13.1	1.33	.73	1.45	.60
13.2	1.34	.73	1.47	.60
13.3	1.35	.74	1.48	.60
13.4	1.35	.74	1.49	.60
13.5	1.36	.75	1.50	.60
13.6	1.37	.75	1.51	.60
13.7	1.38	.76	1.52	.60
13.8	1.39	.76	1.53	.60
13.9	1.40	.77	1.54	.60
14.0	1.40	.78	1.55	.60
14.1	1.40	.78	1.57	.60
14.2	1.40	.79	1.58	.60
14.3	1.40	.79	1.59	.60
14.4	1.40	.80	1.60	.60
14.5	1.40	.80	1.60	.60
14.6	1.40	.81	1.60	.60
14.7	1.40	.81	1.60	.60
14.8	1.40	.82	1.60	.60
14.9	1.40	.83	1.60	.60
15.0	1.40	.83	1.60	.60
15.1	1.40	.84	1.60	.60
15.2	1.40	.84	1.60	.60
15.3	1.40	.85	1.60	.60
15.4	1.40	.85	1.60	.60
15.5	1.40	.86	1.60	.60

(e) *Explanation of terms.* (1) "10.5 degrees Brix" means that the juice tests 10.5 degrees when tested with a Brix hy-

drometer, read at the proper temperature for the instrument used.

(2) "Normal canned tangerine juice flavor" means that the product is free from objectionable flavor or off flavor of any kind.

(3) "Free and suspended pulp" is determined by the following method:

(i) Graduated centrifuge tubes with a capacity of 50 ml. are filled with canned tangerine juice and placed in a suitable centrifuge. The speed is adjusted as indicated in Table No. II according to the diameter specified and the canned tangerine juice is centrifuged for exactly 10 minutes. As used herein, "diameter" means the over-all distance between the bottom of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp in the tube is multiplied by 2 to give the percentage of pulp.

TABLE NO. II

Diameter	Approximate revolutions per minute	Diameter	Approximate revolutions per minute
10 inches	1,609	15½ inches	1,292
10½ inches	1,570	16 inches	1,271
11 inches	1,534	16½ inches	1,252
11½ inches	1,500	17 inches	1,234
12 inches	1,468	17½ inches	1,216
12½ inches	1,438	18 inches	1,199
13 inches	1,410	18½ inches	1,182
13½ inches	1,384	19 inches	1,167
14 inches	1,359	19½ inches	1,152
14½ inches	1,336	20 inches	1,137
15 inches	1,313		

(4) "Acid" in canned tangerine juice is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator. Acid is calculated as anhydrous citric acid.

(5) "Percent by volume of recoverable oil" in canned tangerine juice is determined by the following method:

(i) *Equipment.*

Oil separatory trap similar to either of those illustrated in Figure 1 and Figure 2.

Gas burner or hot plate.

Ringstand and clamps.

Rubber tubing.

3-liter narrow-neck flask.

(ii) *Procedure.* Exactly 2 liters of canned tangerine juice are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute. By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

(f) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned tangerine juice, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the require-

ments of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample fall more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(g) *Score sheet for canned tangerine juice.*

Size and kind of container.....		
Container mark or identification.....		
Label.....		
Net weight (in Avo. ounces) or Fluid measure (Fl. ounces).....		
Vacuum (in inches).....		
Density (degrees Brix).....		
Percent pulp.....		
Anhydrous citric acid (grams/100 ml.).....		
Percent recoverable oil (volume).....		
Factors	Score points	
I. Color.....	20	(A) 17-20..... (C) 14-16 <sup>1</sup> ..... (D) 0-13 <sup>1</sup> .....
II. Absence of defects.....	40	(A) 34-40..... (C) 28-33 <sup>1</sup> ..... (D) 0-27 <sup>1</sup> .....
III. Flavor.....	40	(A) 34-40..... (C) 28-33 <sup>1</sup> ..... (D) 0-27 <sup>1</sup> .....
Total score.....	100	
Grade.....		

<sup>1</sup> Indicates limiting rule.

Issued this 19th day of July 1948.

[SEAL] JOHN I. THOMPSON,  
Assistant Administrator, Pro-  
duction and Marketing Ad-  
ministration.

[F. R. Doc. 48-6578; Filed, July 21, 1948;  
9:00 a. m.]

## [7 CFR, Part 951]

### TOKAY GRAPES GROWN IN CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OP-  
PORTUNITY TO FILE WRITTEN EXCEPTIONS  
WITH RESPECT TO PROPOSED AMENDMENTS  
TO AMENDED MARKETING AGREEMENT AND  
ORDER

#### Correction

In F. R. Doc. 48-6328 appearing in the issue for Thursday, July 15, 1948, at page 4020 the following changes should be made:

a. Under *Findings and conclusions*, the word "shown" in the second line of paragraph (5) should read "shows."

b. In the 3d column on page 4024, the word "furnished" appearing in the twelfth line of subparagraph (2) should read "furnishes."

## CIVIL AERONAUTICS ADMINISTRATION

### [14 CFR, Part 405]

#### PROCEDURE; RECORDATION OF CONVEYANCES

##### NOTICE OF PROPOSED RULE MAKING

Acting pursuant to authority appearing in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended, and in accordance with sections 3 and 4 of the Administrative Procedure Act, notice is hereby given that adoption of the following amendment to Part 405, "Procedure of the Civil Aeronautics Administration," is contemplated.

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed amendment, shall send them to Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

#### SUBPART E—RECORDATION OF CONVEYANCES

- Sec.  
405.51 Recordation of aircraft ownership.  
405.52 Recordation of encumbrances against specifically identified aircraft engines.  
405.53 Recordation of encumbrances against aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of certificated air carriers.

AUTHORITY: §§ 405.51 to 405.53, inclusive, issued under 52 Stat. 986, 1006; 54 Stat. 1283, 1235, 1236; Pub. Law 692, 80th Cong., 49 U. S. C. 458, 521; Ch. 523.

#### SUBPART E—RECORDATION OF CONVEYANCES

§ 405.51 *Recordation of aircraft ownership*—(a) *General*. All conveyances which affect the title to, or any interest in, any aircraft registered under the provisions of the Civil Aeronautics Act are eligible for recordation with the Civil Aeronautics Administration. A receipt showing the recording of any document evidencing indebtedness will be furnished to the holder of such document.

(b) *Forms of conveyance*. The following forms have been prepared by the Administrator for use in recording of conveyances and are available upon request to the Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C.

(1) *Form ACA 500: Part C, Bill of Sale*. (For further information concerning Form ACA 500, see § 405.31 (c).)

(2) *Form ACA 506: Release*. (This form appears on the back of a letter acknowledging receipt of a chattel mortgage, and should be in the possession of the mortgagee or his assignee to be used when the mortgage is cleared.)

(3) *Form ACA 818: Release Contract of Conditional Sale*. (This form appears on the back of a letter acknowledging receipt of a contract of conditional sale and should be in the possession of the seller or his assignee to be used when all conditions of the contract have been met.)

(4) *Form ACA 905: Aircraft Chattel Mortgage*.

(5) *Form ACA 906: Aircraft Conditional Sale Contract*.

(6) *Form ACA 909: Supplemental Affidavit to Application for Registration for All Types of Aircraft*. (To be filled in and submitted with Application for Registration (Form ACA 500, Part B) when the aircraft has been repossessed pursuant to the provisions of a chattel mortgage or contract of conditional sale and the person repossessing desires registration of the aircraft in his name.)

(c) *Application*. A conveyance may be recorded by submitting the original document, or a properly executed duplicate thereof, to the Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C. There is no fee (other than the \$4.00 registration fee) for recording a bill of sale. A fee of \$4.00 is charged for the recording of a lien covering one aircraft. If more than one aircraft is covered by such lien the fee shall be \$4.00 for each aircraft. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a lien covering an aircraft.

(d) *Requirements*. For further information with respect to the requirements and instructions for the recordation of aircraft conveyances, see Part 503 of this chapter, or mail requests to the Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C.

§ 405.52 *Recordation of encumbrances against specifically identified aircraft engines*—(a) *General*. All conveyances affecting the title to, or any interest in, any specifically identified aircraft engine or engines of seven hundred and fifty or more rated take-off horsepower for each such engine or the equivalent of such horsepower are eligible for recordation with the Civil Aeronautics Administration. A receipt showing the recording of any such conveyance will be furnished to the holder thereof.

(b) *Forms of conveyance*. The Civil Aeronautics Administration has not prepared any sample forms of conveyance for use in taking a security interest in aircraft engines. However, Form ACA-1990 has been designed to serve as a receipt for the recording of aircraft engine conveyances.

(c) *Recording fee*. A fee of \$2.00 is charged for the recording of an instrument executed for security purposes covering one engine. If more than one aircraft engine is covered by such instrument the fee shall be \$2.00 for each aircraft engine. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a conveyance covering an aircraft engine.

(d) *Requirements*. For further information with respect to the requirements and instructions for the recordation of encumbrances against specifically identified aircraft engines, see Part 504

of this chapter, or mail requests to the Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C.

§ 405.53 *Recordation of encumbrances against aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of certificated air carriers—*

(a) *General.* All conveyances affecting the title to, or any interest in, any aircraft engines, propellers, or appliances maintained by or on behalf of an air carrier certificated under section 604 (b) of the Civil Aeronautics Act of 1938, as amended, for installation or use in aircraft, aircraft engines, or propellers, or any spare parts maintained by or on behalf of such an air carrier, which instruments need only describe generally by types the engines, propellers, appliances, and spare parts covered thereby and designate the location or locations thereof, are eligible for recordation with the Civil Aeronautics Administration. A receipt showing the recording of any such conveyance will be furnished to the holder thereof.

(b) *Forms of conveyance.* The Civil Aeronautics Administration has not prepared any sample forms of conveyance for use in taking a security interest in aircraft engines, propellers, appliances, or spare parts. However, Form ACA-1991 has been designed to serve as a receipt for the recording of such conveyances.

(c) *Recording fee.* A fee of \$2.00 is charged for the recording of an instrument executed for security purposes covering aircraft engines, propellers, appliances, or spare parts situated in one location. If the property covered by the instrument is situated in more than one location the fee shall be \$2.00 for each location. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a conveyance covering aircraft engines, propellers, appliances, or spare parts.

(d) *Requirements.* For further information with respect to the requirements and instructions for the recordation of encumbrances against aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of certificated air carriers, see Part 505 of this chapter, or mail requests to the Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C.

F. B. LEE,  
Acting Administrator  
of Civil Aeronautics.

[F. R. Doc. 48-6524; Filed, July 21, 1948;  
8:47 a. m.]

#### 114 CFR, Part 503]

##### RECORDATION OF AIRCRAFT OWNERSHIP

##### NOTICE OF PROPOSED RULE MAKING

Acting pursuant to authority appearing in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended, and in accordance with sections 3 and 4 of

the Administrative Procedure Act, notice is hereby given that adoption of the following revised Part 503 is contemplated.

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed revision, shall send them to Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Recordation Section, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

Sec.

503.1 Basis and purpose.

503.2 Definitions.

503.3 Eligibility of conveyances.

AUTHORITY: §§ 503.1 to 503.3, inclusive, issued under 52 Stat. 973, 986, 1006; 54 Stat. 1233, 1235, 1236; Pub. Law No. 692, 80th Cong., 49 U. S. C. 401, 458, 523; Ch. 523, 2d Sess.

§ 503.1 *Basis and purpose.* The purpose of this part is to prescribe regulations for recordation of conveyances affecting the title to, or any interest in, any aircraft registered under the provisions of section 501 of the Civil Aeronautics Act of 1938, as amended, and Part 501 or Part 502 of this chapter. The basis for this part is found in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended.

§ 503.2 *Definitions.* As used in this part, "conveyance" means:

(a) A bill of sale, contract of conditional sale, mortgage, assignment of mortgage, or other instrument affecting title to, or interest in, aircraft; and

(b) Any release, cancellation, discharge, or satisfaction relating to any conveyance or other instrument recorded under this part.

§ 503.3 *Eligibility of conveyances.* A conveyance shall be eligible for recordation only if:

(a) It is executed upon the form prescribed by the Administrator for such type of conveyance, or upon a form deemed by the Administrator to be its equivalent;

(b) It is accompanied by a duly executed application for registration and the required registration fee, and complies with the other provisions of either § 501.3 (a) or (b) of this chapter, whichever is applicable; *Provided*, That this paragraph shall not apply to conveyances affecting an interest in, but not title to, the aircraft;

(c) It affects an aircraft currently registered under the terms of the Civil Aeronautics Act of 1938, as amended;

(d) It is accompanied by the required recordation fee:<sup>1</sup> *Provided*, That this

<sup>1</sup> Section 405.51 (c) of this chapter provides: "Application. A conveyance may be recorded by submitting the original document, or a properly executed duplicate thereof, to the Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C. There is no fee (other than the \$4.00 registration fee) for recording a bill of sale. A fee of \$4.00 is charged for the recording of a lien covering one aircraft. If more than one aircraft is covered by such lien the fee shall be \$4.00 for each aircraft. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a lien covering an aircraft."

paragraph shall apply only to conveyances executed for security purposes, and not to any release, cancellation, discharge, or satisfaction thereof; and

(e) It is acknowledged before a notary public or other officer authorized by law of the United States, or of a State, Territory or possession thereof, or the District of Columbia, to take acknowledgment of deeds.

F. B. LEE,  
Acting Administrator  
of Civil Aeronautics.

[F. R. Doc. 48-6525; Filed, July 21, 1948;  
8:47 a. m.]

#### 114 CFR, Part 504]

##### RECORDATION OF ENCUMBRANCES AGAINST SPECIFICALLY IDENTIFIED AIRCRAFT ENGINES

##### NOTICE OF PROPOSED RULE MAKING

Acting pursuant to authority appearing in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended, and in accordance with sections 3 and 4 of the Administrative Procedure Act, notice is hereby given that adoption of the following new Part 504 is contemplated.

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed new part, shall send them to Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

Sec.

504.1 Basis and purpose.

504.2 Definitions.

504.3 Eligibility of conveyances.

AUTHORITY: §§ 504.1 to 504.3, inclusive, issued under 52 Stat. 973, 986, 1006; 54 Stat. 1233, 1235, 1236; Pub. Law No. 692, 80th Cong., 49 U. S. C. 401, 458, 523; Ch. 523, 2d Sess.

§ 504.1 *Basis and purpose.* The purpose of this part is to prescribe regulations for recordation of conveyances affecting the title to, or any interest in, any specifically identified aircraft engine or engines of seven hundred and fifty or more rated take-off horsepower for each such engine or the equivalent of such horsepower. The basis for this part is found in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended.

§ 504.2 *Definitions.* As used in this part, "conveyance" means:

(a) Any lease, mortgage, equipment trust, contract of conditional sale, or other instrument executed for security purposes, which instrument affects the title to, or any interest in, any specifically identified aircraft engine or engines of seven hundred and fifty or more rated take-off horsepower for each such engine or the equivalent of such horsepower;

(b) Any assignment, amendment, or supplement of or to any of the instruments set forth in paragraph (a) of this section; and

(c) Any release, cancellation, discharge, or satisfaction relating to any of the instruments set forth in paragraphs (a) and (b) of this section.

§ 504.3 *Eligibility of conveyances.* A conveyance shall be eligible for recordation only if:

(a) It affects an aircraft engine which is specifically identified by make, model, and by manufacturer's serial number;

(b) It affects an aircraft engine of seven hundred and fifty or more rated take-off horsepower or the equivalent of such horsepower;

(c) It is accompanied by the required recordation fee.<sup>1</sup> *Provided*, That this paragraph shall not apply to any release, cancellation, discharge, or satisfaction relating to any conveyance recorded under this part; and

(d) It is acknowledged before a notary public or other officer authorized by law of the United States, or of a State, Territory, or possession thereof, or the District of Columbia, to take acknowledgment of deeds.

F. B. LEE,  
Acting Administrator  
of Civil Aeronautics.

[F. R. Doc. 48-6526; Filed, July 21, 1948;  
8:48 a. m.]

#### [14 CFR, Part 505]

#### RECORDATION OF ENCUMBRANCES AGAINST AIRCRAFT ENGINES, PROPELLERS, APPLI- ANCES, OR SPARE PARTS

##### NOTICE OF PROPOSED RULE MAKING

Acting pursuant to authority appearing in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended, and in accordance with sections 3 and 4 of the Administrative Procedure Act, notice is hereby given that adoption of the following new Part 505 is contemplated.

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed new part, shall send them to Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C., within 15 days after publication of this notice in the *FEDERAL REGISTER*.

##### Sec.

505.1 Basis and purpose.

505.2 Definitions.

505.3 Eligibility of conveyances.

*AUTHORITY:* §§ 505.1 to 505.3, inclusive, issued under 52 Stat. 973, 986, 1006; 54 Stat. 1233, 1235, 1236; Pub. Law No. 692, 80th Cong., 49 U. S. C. 401, 458, 523; Ch. 523, 2d Sess.

§ 505.1 *Basis and purpose.* The purpose of this part is to prescribe regulations for recordation of conveyances affecting the title to, or any interest in, any aircraft engines, propellers, or appliances maintained by or on behalf of an air carrier certificated under section 604 (b) of the Civil Aeronautics Act of 1938, as amended, for installation or use in aircraft, aircraft engines, or propellers, or any spare parts maintained by or on behalf of such an air carrier, which instrument need only describe generally by types the engine, propellers, appliances, and spare parts covered thereby and designate the location or locations thereof. The basis for this part is found in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended.

§ 505.2 *Definitions.* As used in this part, "conveyance" means:

(a) Any lease, mortgage, equipment trust, contract of conditional sale, or other instrument executed for security purposes, which instrument affects the

title to, or any interest in, any aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of an air carrier certificated under section 604 (b) of the Civil Aeronautics Act of 1938, as amended;

(b) Any assignment, amendment, or supplement of or to any of the instruments set forth in paragraph (a) of this section; and

(c) Any release, cancellation, discharge, or satisfaction relating to any of the instruments set forth in paragraphs (a) and (b) of this section.

§ 505.3 *Eligibility of conveyances.* A conveyance shall be eligible for recordation only if:

(a) It affects aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of an air carrier certificated under section 604 (b) of the Civil Aeronautics Act of 1938, as amended;

(b) It specifically describes the location or locations of the aircraft engines, propellers, appliances, and spare parts covered thereby;

(c) It is accompanied by the required recordation fee.<sup>2</sup> *Provided*, That this paragraph shall not apply to any release, cancellation, discharge, or satisfaction relating to any conveyance recorded under this part; and

(d) It is acknowledged before a notary public or other officer authorized by law of the United States, or of a State, Territory, or possession thereof, or the District of Columbia, to take acknowledgment of deeds.

F. B. LEE,  
Acting Administrator  
of Civil Aeronautics.

[F. R. Doc. 48-6527; Filed, July 21, 1948;  
8:48 a. m.]

## NOTICES

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

##### OREGON

NOTICE FOR FILING OBJECTIONS TO PUBLIC LAND ORDER NO. 479,<sup>2</sup> WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF ARMY FOR FLOOD CONTROL PURPOSES.

For a period of 30 days from the date of publication of the above-entitled order, persons having cause to object to the terms thereof may present their ob-

<sup>1</sup> Section 405.52 (c) of this chapter provides: "Recording fee. A fee of \$2.00 is charged for the recording of an instrument executed for security purposes covering one engine. If more than one aircraft engine is covered by such instrument the fee shall be \$2.00 for each aircraft engine. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a conveyance covering an aircraft engine."

<sup>2</sup> See F. R. Doc. 48-6533, Title 43, Chapter I, Appendix, *supra*.

jections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

MASTIN G. WHITE,  
Acting Secretary of the Interior.

JULY 13, 1948.

[F. R. Doc. 48-6534; Filed, July 21, 1948;  
8:49 a. m.]

##### ALASKA

NOTICE FOR FILING OBJECTIONS TO PUBLIC LAND ORDER 498,<sup>1</sup> WITHDRAWING PUBLIC LAND FOR USE OF BUREAU OF LAND MANAGEMENT AS AN ADMINISTRATIVE SITE AND REDUCING AIR-NAVIGATION SITE WITHDRAWAL NO. 129

For a period of 60 days from the date of publication of the above-entitled or-

<sup>1</sup> Section 405.53 (c) of this chapter provides: "Recording fee. A fee of \$2.00 is charged for the recording of an instrument executed for security purposes covering aircraft engines, propellers, appliances or spare parts situated in one location. If the property covered by the instrument is situated in more than one location the fee shall be \$2.00 for each location. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a conveyance covering aircraft engines, propellers, appliances or spare parts."

<sup>2</sup> See F. R. Doc. 48-6535, Title 43, Chapter I, Appendix, *supra*.

der, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

MASTIN G. WHITE,  
Acting Secretary of the Interior.

JULY 13, 1948.

[F. R. Doc. 48-6536; Filed, July 21, 1948;  
8:49 a. m.]

[1461827]

UTAH

#### NOTICE OF FILING OF PLAT OF SURVEY

JULY 14, 1948.

Notice is given that the plat of survey accepted December 23, 1943, of T. 9 S., R. 6 E., S. L. M., Utah, including lands hereinafter described, will be officially filed in the District Land Office, Salt Lake City, Utah, effective at 10:00 a. m., on September 15, 1948.

The lands affected by this notice are described as follows:

#### SALT LAKE MERIDIAN

T. 9 S., R. 6 E.,  
Sec. 3, lot 1;  
Sec. 4, lots 1 to 5, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ ;  
Sec. 5, lots 1 to 4, S $\frac{1}{2}$ ;  
Sec. 6, lots 1 to 12, SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Secs. 7 and 8;  
Sec. 9, lots 1 to 4, W $\frac{1}{2}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 11, lot 1;  
Sec. 12, lot 1;  
Sec. 13, lots 1 to 5, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 14, lots 1 to 4 incl., S $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 15, lots 1 to 4 incl., NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 16, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Secs. 17 to 23 inclusive;  
Sec. 24, lots 1 to 8 incl., N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Secs. 25 to 36, inclusive.

The area described (exclusive of segregations) aggregate 18,232.41 acres.

All of the lands involved are within the exterior boundaries of Uinta National Forest pursuant to 3d Proclamation of January 16, 1906; 4th Proclamation of May 29, 1906; 5th Proclamation of October 6, 1906; July 1, 1908, Proclamation No. 1887 of July 30, 1929, and Executive Order 7673 of July 17, 1937.

Anyone having a valid settlement or other right to any of these lands initiated prior to the date of the withdrawal of the lands should assert the same within three months from the date on which the

plat is officially filed by filing an application under the appropriate public land law setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Salt Lake City, Utah.

ROSCOE E. BELL,  
Assistant Director.

[F. R. Doc. 48-6539; Filed, July 21, 1948;  
8:50 a. m.]

[34298]

ARIZONA

#### ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 6, 1948.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on September 7, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 7, 1948, to December 7, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 18, 1948, to September 6, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 7, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 8, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from November 18, 1948, to De-

cember 7, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 8, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in District Land Office at Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to District Land Office at Phoenix, Arizona.

The lands affected by this order are described as follows:

#### GILA AND SALT RIVER MERIDIAN

T. 24 N., R. 14 W.,  
Sec. 32, N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
T. 23 N., R. 19 W.,  
Sec. 36, lot 1.  
T. 13 S., R. 30 E.,  
Sec. 3, S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ .  
T. 12 S., R. 29 E.,  
Sec. 4, lots 1, 3, 4;  
Sec. 22, N $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
Sec. 35, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
T. 13 S., R. 29 E.,  
Sec. 3, S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
containing 1,719.07 acres.

Available data indicate that the lands described are rolling in topography, supporting a fair growth of grass and other native vegetation. The lands are in Grazing Districts Nos. 2 and 4, established March 6, 1936, and February 14, 1936, respectively.

ROSCOE E. BELL,  
Assistant Director.

[F. R. Doc. 48-6540; Filed, July 21, 1948;  
8:50 a. m.]

#### FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9068, 9069]

OLIVER BROADCASTING CORP. and LOWELL  
SUN PUBLISHING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Oliver Broadcasting Corporation (WFOR), Portland, Maine; Docket No. 9068; File No. BP-6344; Lowell Sun Publishing Company, Lowell, Massachusetts; Docket No. 9069, File No. BP-6675; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of July 1948;

The Commission having under consideration the above-entitled applications of Oliver Broadcasting Corporation (WPOR) requesting a construction permit to change the facilities of station WPOR in Portland, Maine to 1060 kc, with 5 kw power, unlimited time using a directional antenna; and of Lowell Sun Publishing Company, requesting a construction permit for a new standard broadcast station using similar facilities in Lowell, Massachusetts;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of Oliver Broadcasting Corporation, its officers, directors and stockholders to construct and operate station WPOR as proposed, and to determine the legal, technical, financial, and other qualifications of Lowell Sun Publishing Company, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and station WPOR as proposed, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station and station WPOR as proposed would involve objectionable interference with station KYW, Philadelphia, Pennsylvania, or with any other existing United States broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station and station WPOR as proposed would involve objectionable interference as defined in the North American Regional Broadcasting Agreement, with Canadian station CBA, Sackville, New Brunswick, or any other foreign broadcast station and the nature and extent of any such interference.

6. To determine whether the operation of the proposed station and station WPOR as proposed would involve objectionable interference with each other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station and station WPOR as proposed

would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Westinghouse Radio Stations, Inc., licensee of station KYW, Philadelphia, Pennsylvania, be, and it is hereby, made a party to this proceeding.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-6551; Filed, July 21, 1948;  
8:54 a. m.]

[Docket Nos. 8065, 9066, 9067]

GEORGE E. CAMERON, JR., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of George E. Cameron, Jr., Tulsa Oklahoma; Docket No. 9067, File No. BP-6752; Kenyon Brown, Tulsa, Oklahoma; Docket No. 9066, File No. BP-6693; Fred Jones and Mary Eddy Jones, d/b as Fred Jones Broadcasting Company (KFMJ), Tulsa, Oklahoma; Docket No. 8065, File No. BP-5585; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of July 1948;

The Commission having under consideration the above-entitled applications of George E. Cameron, Jr. and of Kenyon Brown, each requesting a permit to construct a new standard broadcast station at Tulsa, Oklahoma to operate on the frequency 1340 kc, with 250 w power, unlimited time and of Fred Jones Broadcasting Company to change facilities of station KFMJ to 1340 kc, 250 w power, unlimited time.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicants to construct and operate their proposed stations and the technical, financial and other qualifications of the applicant partnership and the partners to construct and operate station KFMJ as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and station KFMJ as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations and station KFMJ as proposed would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations and station KFMJ as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operations of the proposed stations and station KFMJ as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-6552; Filed, July 21, 1948;  
8:54 a. m.]

[Docket Nos. 9086-9089]

FALLS COUNTY PUBLIC SERVICE, ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of W. L. Pennington and M. R. Hagler, a partnership d/b as Falls County Public Service, Marlin, Texas; Docket No. 9086, File No. BP-5631; Baylor University (KWBU), Houston, Texas; Docket No. 9087, File No. BP-6238; Carr P. Collins, Jr., Corpus Christi, Texas; Docket No. 9088, File No. BP-6263; for construction permits. Roy M. Hofheinz and W. N. Hooper, a partnership d/b as Texas Star Broadcasting Company (KTHT), Houston, Texas; Docket No. 9089, File No. BMP-3555; for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of July, 1948;

The Commission having under consideration the following above-entitled applications: (1) Falls County Public Service, requesting a permit to construct a new standard broadcast station to operate on 1010 kc, with 250 w power, daytime only, at Marlin, Texas; (2) Baylor University (KWBU), requesting a permit to move station KWBU (presently operating under a special service authorization at Corpus Christi, Texas, on 1030 kc, with 50 kw power, from local sunrise at Boston, Massachusetts to local sunset at Corpus Christi) to Houston, Texas, for operation on 1030 kc, with 50 kw power daytime and 10 kw power at night, unlimited time, using a directional antenna at night; (3) Carr P. Collins,

Jr. requesting a permit to construct a new standard broadcast station in Corpus Christi, Texas, to operate on 1010 kc, with 10 kw power, daytime only, said application being expressly contingent upon a grant of the said KWBU application; and (4) Texas Star Broadcasting Company, licensee for operation of station KTHT (Houston, Texas) on 1230 kc, with 250 w power, unlimited time, and holder of a construction permit to change the facilities of station KTHT to 790 kc, with 5 kw power, unlimited time, using a directional antenna, requesting that the said construction permit be modified to specify operation on 1030 kc, with 50 kw power, unlimited time, using a directional antenna at night;

It appearing, that the said applications of Falls County Public Service and Carr P. Collins, Jr., involve prohibitive interference, and that the said application of Carr P. Collins, Jr., also involves interference with each of the said applications of Baylor University (KWBU) and Texas Star Broadcasting Company (KTHT), which latter applications are mutually exclusive; and

It further appearing, that the said applications of Baylor University (KBWU) and Texas Star Broadcasting Company (KTHT) have been in the pending file awaiting a decision in the Clear Channel Hearing (Docket No. 6741), pursuant to the Public Notice of August 9, 1946 (Mimeo No. 96934), and that the said application of Carr P. Collins, Jr., has been in the pending file because it is contingent upon a grant of the KWBU application;

*It is ordered,* That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of Falls County Public Service, Baylor University (KWBU), Carr P. Collins, Jr., and Texas Star Broadcasting Company (KTHT) be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of Carr P. Collins, Jr. and of the partnership Falls County Public Service and the partners to construct and operate their proposed stations, and to determine the technical, financial and other qualifications of the corporation Baylor University, its officers and trustees, and of the partnership Texas Star Broadcasting Company and the partners to construct and operate stations KWBU and KTHT as proposed;

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and stations KWBU and KTHT as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether such would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations and stations KWBU and KTHT as proposed would in-

volve objectionable interference with United States station KOB, Albuquerque, New Mexico, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations and stations KWBU and KTHT as proposed would involve objectionable interference, as defined in the North American Regional Broadcasting Agreement, with Mexican station XEQR, Mexico City, or any other existing foreign broadcast station, and, if so, the nature and extent of such interference.

6. To determine whether the operation of the proposed stations and stations KWBU and KTHT as proposed would involve objectionable interference, each with the other, or with services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed stations and stations KWBU and KTHT as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

*It is further ordered,* That Albuquerque Broadcasting Company, licensee of station KOB, Albuquerque, New Mexico, be, and it is hereby, made a party to this proceeding;

*It is further ordered,* That the said applications of Baylor University (KWBU) and Texas Star Broadcasting Company (KTHT) have been included in this consolidated proceeding on the condition that if, as a result of the proceeding it appears that, were it not for the aforesaid Clear Channel Hearing (Docket No. 6741) and the Commission's announcement of August 9, 1946, pertaining thereto, the public interest would best be served by a grant of the said application of either Baylor University or Texas Star Broadcasting Company, then such prevailing application will be returned to the pending file until after the said clear channel decision has been issued, at which time it will be considered in connection with other 1030 kc applications and with any other pending applications with which it might then be in conflict;

*It is further ordered,* That the said application of Carr P. Collins, Jr., has been included in this proceeding on the condition that if, as a result of the proceeding it appears that, were it not for the contingency upon which it was filed, the public interest would best be served by a grant of said application, then said application will be returned to the pending file to await action on the contingent application, at which time, if the contingency is removed, it will be considered in connection with any pending

applications with which it might then be in conflict.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-6553; Filed, July 21, 1948;  
8:55 a. m.]

[Docket Nos. 9077, 9078]

ALL NATIONS BROADCASTING CO. AND  
NEPONSET RADIO CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of All Nations Broadcasting Company, Boston, Massachusetts; Docket No. 9077, File No. BP-6326; Neponset Radio Corporation, Norwood, Massachusetts; Docket No. 9078, File No. BP-6614; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of July 1948;

The Commission having under consideration the application of All Nations Broadcasting Company requesting a permit to construct a new standard broadcast station in Boston, Massachusetts to operate on the frequency 1390 kc, with 5 kw power, daytime only and Neponset Radio Corporation requesting a permit to construct a new standard broadcast station in Norwood, Massachusetts to operate on the frequency 1390 kc, with 500 w power, daytime only.

*It is ordered,* That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and if so, the nature and extent thereof, the areas and populations affected thereby, and the availa-

bility of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-6554; Filed, July 21, 1948;  
8:55 a. m.]

[Docket Nos. 7793, 9076]

CHARLES H. YOUNG AND ANDERSON  
BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CON-  
SOLIDATED HEARING ON STATED ISSUES

In re applications of Charles H. Young, Anderson, South Carolina; Docket No. 9076, File No. BP-5389; Anderson Broadcasting Company, Inc., Anderson, South Carolina; Docket No. 7793, File No. BP-4995; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of July 1948;

The Commission having under consideration the above-entitled applications of Charles H. Young requesting a permit to construct a new standard broadcast station to operate on the frequency 1050 kc, with 1 kw power, daytime only in Anderson, South Carolina and Anderson Broadcasting Company, Incorporated requesting a permit to construct a new standard broadcast station to operate on the frequency 1070 kc with 1 kw power, daytime only in Anderson, South Carolina; and

It appearing, that the said application of Anderson Broadcasting Company, Incorporated requests operation on a U. S. clear channel and has been placed in the pending file pursuant to the Commission's Public Notice of May 8, 1947 to await conclusion of the hearing regarding daytime skywave transmissions (Docket No. 8333) but that the said application of Charles H. Young could be granted on its merits without awaiting the outcome of the said hearing regarding daytime skywave transmissions;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission: *Provided however*, That if, as a result of the consolidated hearing, it appears that, were it not for the issues pending in the hearing regarding daytime skywave transmissions (Docket No. 8333) and the Commission's policy pertaining thereto as announced in the Public Notice of May 8, 1947, the public interest would be best served by a grant of the said application of Anderson Broad-

casting Company, Incorporated then the said application of Anderson Broadcasting Company, Incorporated will be returned to the pending file until after the conclusion of the said hearing regarding daytime skywave transmissions.

It is further ordered, That the said applications be heard upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-6555; Filed, July 21, 1948;  
8:56 a. m.]

[Docket Nos. 8928, 9079]

MARK PERKINS AND METROPOLITAN  
BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CON-  
SOLIDATED HEARING ON STATED ISSUES

In re applications of Mark Perkins, San Antonio, Texas; Docket No. 9079, File No. BP-6815; Metropolitan Broadcasting Company, Alamo Heights, Texas; Docket No. 8928, File No. 6661; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of July 1948;

The Commission having under consideration the above-entitled applications each requesting a permit to construct a new standard broadcast station at the places specified above to operate on the frequency 1240 kc, with 250 w power, unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary,

[F. R. Doc. 48-6556; Filed, July 21, 1948;  
8:56 a. m.]

[Docket Nos. 8940-8944, 8971, 9062]

HUDSON VALLEY BROADCASTING CO., INC.,  
ET AL.

ORDER CONTINUING HEARING

In re applications of Hudson Valley Broadcasting Company, Inc., Albany, New York; Docket No. 8940, File No. BPCT-389; The Press Company, Inc., Albany, New York; Docket No. 8941, File No. BPCT-395; Patroon Broadcasting

Company, Inc., Albany, New York; Docket No. 8942, File No. BPCT-405; Van Curler Broadcasting Corporation, Albany, New York; Docket No. 8943, File No. BPCT-408; Troy Broadcasting Company, Inc., Troy, New York; Docket No. 8944, File No. BPCT-412; Meredith Publishing Company, Albany, New York; Docket No. 8971, File No. BPCT-421; The Troy Record Company, Troy, New York; Docket No. 9062, File No. BPCT-487; for construction permits.

The Commission having under consideration a joint petition filed July 7, 1948, by The Press Company, Inc., Albany, New York, Troy Broadcasting Company, Inc., Troy, New York, and the Troy Record Company, Troy, New York, requesting a continuance of the hearing presently scheduled for July 26, 1948, at Albany, New York, and August 2, 1948, at Troy, New York, on the above-entitled applications for construction permits;

*It is ordered*, This 9th day of July 1948, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Monday, September 27, 1948, at Albany, N. Y., and October 4, 1948, at Troy, N. Y.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-6557; Filed, July 21, 1948;  
8:56 a. m.]

[Docket Nos. 8197, 8198, 8218, 8219]

STEEL CITY BROADCASTING CORP. ET AL.

#### ORDER CONTINUING HEARING

In re applications of Steel City Broadcasting Corporation, Gary, Indiana; Docket No. 8219, File No. BP-5888; Northwestern Indiana Radio Company, Inc., Valparaiso, Indiana; Docket No. 8218, File No. BP-5574; McLean County Broadcasting Company, Bloomington, Illinois; Docket No. 8198, File No. BP-5857; Radio Broadcasting Corporation, Peru, Illinois; Docket No. 8197, File No. BP-5747; for construction permits.

Whereas, the above-entitled applications are scheduled to be heard at Gary, Indiana, on July 20, 1948; Valparaiso, Indiana, on July 21, 1948, Bloomington, Illinois, on July 22, 1948, and at Peru, Illinois, on July 23, 1948; and

Whereas, on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket No. 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I-A or I-B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

Whereas, the above-entitled applications of Steel City Broadcasting Corporation, Gary, Indiana, and Radio Broadcasting Corporation, Peru, Illinois, requests the use of 1080 kc, 1 kw, daytime only; and the above-entitled applications of Northwestern Indiana Radio Company, Inc., Valparaiso, Indiana, and Mc-

Lean County Broadcasting Company, Bloomington, Illinois, requests the use of 1080 kc, 250 watts, daytime only;

*It is ordered*, This 9th day of July 1948, on the Commission's own motion, that the said hearing on the above-entitled applications be, and it is hereby, continued indefinitely pending decision in the matter of daytime skywave transmissions of standard broadcast stations (Docket No. 8333).

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-6558; Filed, July 21, 1948;  
8:56 a. m.]

[Docket No. 8076]

WZHD, INC.

#### ORDER CONTINUING HEARING

In re application of WZHD, Incorporated, Warren, Ohio; Docket No. 8076, File No. BP-5598; for construction permit.

Whereas, the above-entitled application is scheduled to be heard at Washington, D. C., on July 20, 1948; and

Whereas, on May 9, 1948, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket No. 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I-A or I-B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

Whereas, the above-entitled application of WZHD, Incorporated, Warren, Ohio, requests the use of 830 kc, 1 kw, daytime only;

*It is ordered*, This 9th day of July 1948, on the Commission's own motion, that the said hearing on the above-entitled application be, and it is hereby, continued indefinitely pending decision in the matter of daytime skywave transmissions of standard broadcast stations (Docket No. 8333).

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-6559; Filed, July 21, 1948;  
8:57 a. m.]

[Docket 8266]

HEIGHTS BROADCASTING CO.

#### ORDER CONTINUING HEARING

In re application of The Heights Broadcasting Company, Cleveland, Ohio; Docket No. 8266, File No. BP-5412; for construction permit.

Whereas, the above-entitled application is scheduled to be heard at Washington, D. C., on July 23, 1948; and

Whereas, on May 9, 1948, the Commission published a notice of proposed rule-making with respect to daytime skywave

transmissions of standard broadcast stations (Docket No. 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I-A or I-B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

Whereas, the above-entitled application requests the use of 710 kc, 250 watts, daytime only;

*It is ordered*, This 9th day of July 1948, on the Commission's own motion, that the said hearing on the above-entitled application be, and it is hereby, continued indefinitely pending decision in the matter of daytime skywave transmissions of standard broadcast stations (Docket No. 8333).

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-6560; Filed, July 21, 1948;  
8:57 a. m.]

[Docket No. 8025]

SEMINOLE BROADCASTING CO.

#### ORDER CONTINUING HEARING

In re application of Seminole Broadcasting Company, Wewoka, Oklahoma; Docket No. 8025; File No. BP-5270; for construction permit.

Whereas, the above-entitled application is scheduled to be heard at Washington, D. C., on July 16, 1948; and

Whereas, on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket No. 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I-A or I-B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

Whereas, the above-entitled application requests the use of 720 kc, 250 watts, daytime only;

*It is ordered*, This 9th day of July 1948, on the Commission's own motion, that the said hearing on the above-entitled application be, and it is hereby, continued indefinitely pending decision in the matter of daytime skywave transmissions of standard broadcast stations (Docket No. 8333).

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-6561; Filed, July 21, 1948;  
8:57 a. m.]

[Docket No. 8523]

FOULKROD RADIO ENGINEERING CO.

#### ORDER CONTINUING HEARING

In re application of Foulkrod Radio Engineering Company, Philadelphia, Pennsylvania; Docket No. 8523, File No. BR-355; for renewal of license of Radio Station WTFL, Philadelphia, Pennsylvania.

The Commission having under consideration a petition filed July 6, 1948, by Foulkrod Radio Engineering Company, Philadelphia, Pennsylvania, requesting a continuance of the hearing on the above-entitled application for renewal of license;

*It is ordered*, This 9th day of July 1948, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Tuesday, August 10, 1948, at Philadelphia, Pennsylvania.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-6562; Filed, July 21, 1948;  
8:57 a. m.]

[Docket No. 8152]

EMPIRE BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Empire Broadcasting Company, Pomona, California; Docket No. 8152, File No. BP-5813; for construction permit.

Whereas, the above-entitled application is scheduled to be heard at Washington, D. C., on July 19, 1948; and

Whereas, on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket No. 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I-A or I-B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

Whereas, the above-entitled application of Empire Broadcasting Company, Pomona, California, requests the use of 680 kc, 1 kw, daytime only;

*It is ordered*, This 9th day of July 1948, on the Commission's own motion, that the said hearing on the above-entitled application be, and it is hereby, continued indefinitely pending decision in the matter of daytime skywave transmissions of standard broadcast stations (Docket No. 8333).

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-6563; Filed, July 21, 1948;  
8:57 a. m.]

[Docket No. 8167]

WOODWARD BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Woodward Broadcasting Company, Detroit, Michigan; Docket No. 8167, File No. BP-5827; for construction permit.

Whereas, the above-entitled application is scheduled to be heard at Washington, D. C., on July 19, 1948; and

Whereas, on May 9, 1947, the Commission published a notice of proposed rule-

making with respect to daytime skywave transmissions of standard broadcast stations (Docket No. 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I-A or I-B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

Whereas, the above-entitled application requests the use of 840 kc, 5 kw power, daytime only, using directional antenna;

*It is ordered*, This 9th day of July 1948, that the said hearing on the above-entitled application be, and it is hereby, continued indefinitely pending decision in the matter of daytime skywave transmissions of standard broadcast stations (Docket No. 8333).

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-6564; Filed, July 21, 1948;  
8:57 a. m.]

[Docket No. 8027]

ROCK CREEK BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Rock Creek Broadcasting Corporation, Washington, D. C.; Docket No. 8027, File No. BP-5482; for construction permit.

Whereas, the above-entitled application is scheduled to be heard at Washington, D. C., on July 23, 1948; and

Whereas, on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket No. 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I-A or I-B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

Whereas, the above-entitled application requests the use of 840 kc, 10 kw, daytime only, using directional antenna;

*It is ordered*, This 9th day of July 1948, on the Commission's own motion, that the said hearing on the above-entitled application be, and it is hereby, continued indefinitely pending decision in the matter of daytime skywave transmissions of standard broadcast stations (Docket No. 8333).

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-6565; Filed, July 21, 1948;  
8:57 a. m.]

[Docket No. 8360]

KRGV, INC.

ORDER CONTINUING HEARING

In re application of KRGV, Inc., Weslaco, Texas; Docket No. 8360, File No. BP-5734; for construction permit.

The Commission having under consideration a petition filed July 6, 1948, by KRGV, Inc., Weslaco, Texas, requesting an indefinite continuance in the hearing presently scheduled for Washington, D. C., on July 14, 1948, upon its above-entitled application for construction permit;

*It appearing*, that there is pending before the Commission a petition for reconsideration and grant without hearing filed on March 25, 1948;

*It is ordered*, This 9th day of July 1948, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled application be, and it is hereby, continued indefinitely pending action by the Commission on the said petition for reconsideration and grant without hearing.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-6566; Filed, July 21, 1948;  
8:58 a. m.]

[Docket No. 8232]

SUBURBAN BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Suburban Broadcasting Corporation (WRUD), Upper Darby, Pennsylvania; Docket No. 8232, File No. BP-5134; for construction permit.

Whereas, the above-entitled application is scheduled to be heard at Washington, D. C., on July 20, 1948; and

Whereas, on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket No. 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I-A or I-B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

Whereas, the above-entitled application requests the use of 1170 kc, 1 kw, daytime only;

*It is ordered*, This 9th day of July 1948, on the Commission's own motion, that the said hearing on the above-entitled application be, and it is hereby, continued indefinitely pending decision in the matter of daytime skywave transmissions of standard broadcast stations (Docket No. 8333).

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-6567; Filed, July 21, 1948;  
8:58 a. m.]

[Docket No. 8409]

PARISH BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Parish Broadcasting Corporation, Minden, Louisiana;

Docket No. 8409, File No. BP-5749; for construction permit.

The Commission having under consideration a petition filed July 8, 1948, by Parish Broadcasting Corporation, Minden, Louisiana, requesting an indefinite continuance of the hearing presently scheduled for July 12, 1948, at Washington, D. C., upon its above-entitled application for construction permit;

*It is ordered*, This 9th day of July 1948, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled application be, and it is hereby, continued indefinitely.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-6568; Filed, July 21, 1948;  
8:58 a. m.]

[Docket Nos. 6737, 8454]

SOUTHERN CALIFORNIA BROADCASTING CO.  
(KWKW) AND ORANGE COUNTY BROADCASTING CO.

#### ORDER CONTINUING HEARING

In re applications of Southern California Broadcasting Company (KWKW), Pasadena, California; Docket No. 6737, File No. BP-3710; Orange County Broadcasting Company, Santa Ana, California; Docket No. 8454, File No. BP-5936; for construction permits.

Whereas, the above-entitled applications are scheduled to be heard at Washington, D. C., on July 22, 1948; and

Whereas, on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket No. 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I-A or I-B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

Whereas, the above-entitled application of Southern California Broadcasting Company (KWKW), Pasadena, California, requests the use of 830 kc, 50 kw, daytime only; and the above-entitled application of Orange County Broadcasting Company, Santa Ana, California, requests the use of 850 kc, 1 kw, daytime only;

*It is ordered*, This 9th day of July 1948, that the said hearing on the above-entitled application be, and it is hereby, continued indefinitely, on the Commission's own motion, pending decision in the matter of daytime skywave transmissions of standard broadcast stations (Docket No. 8333).

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-6569; Filed, July 21, 1948;  
8:58 a. m.]

[Docket Nos. 7629, 8119, 8261]

LAKE SHORE BROADCASTING CO. ET AL.

#### ORDER CONTINUING HEARING

In re applications of Lake Shore Broadcasting Company, Evanston, Illinois; Docket No. 7629, File No. BP-4750; Lake States Broadcasting Company, Milwaukee, Wisconsin; Docket No. 8119, File No. BP-5459; Cornbelt Broadcasting Company (WHOM), Clinton, Illinois; Docket No. 8261, File No. BMP-2562; for construction permits.

Whereas, the above-entitled applications are scheduled to be heard at Washington, D. C., on July 21, 1948; and

Whereas, on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket No. 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I-A or I-B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

Whereas, the above-entitled application of Lake Shore Broadcasting Company, Evanston, Illinois, requests the use of 1520 kc, 5 kw, daytime only, using directional antenna; the above-entitled application of Lake States Broadcasting Company, Milwaukee, Wisconsin, requests the use of 1520 kc, 5 kw, unlimited time, using directional antenna; and the above-entitled application of Cornbelt Broadcasting Company (WHOM), Clinton, Illinois, requests the use of 1520 kc, 1 kw night, 5 kw day, unlimited time, using directional antenna;

*It is ordered*, This 9th day of July, 1948, on the Commission's own motion, that the said hearing on the above-entitled applications be, and it is hereby, continued indefinitely pending decision in the matter of daytime skywave transmissions of standard broadcast stations (Docket No. 8333).

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-6570; Filed, July 21, 1948;  
8:58 a. m.]

[Docket Nos. 7287, 8694, 8730, 8743, 8782, 8840]

ALLEGHENY BROADCASTING CORP. ET AL.

#### ORDER CONTINUING HEARING

In re applications of Allegheny Broadcasting Corporation, Pittsburgh, Pennsylvania; Docket No. 7287, File No. BPCT-147; Westinghouse Radio Stations, Inc., Pittsburgh, Pennsylvania; Docket No. 8694, File No. BPCT-221; WWSW, Inc., Pittsburgh, Pennsylvania; Docket No. 8730, File No. BPCT-254; United Broadcasting Corporation, Pittsburgh, Pennsylvania; Docket No. 8743, File No. BPCT-276; WCAE, Incorporated, Pittsburgh, Pennsylvania; Docket No. 8782, File No. BPCT-293; Pittsburgh Radio Supply House, Inc., Pittsburgh, Pennsylvania; Docket No. 8840, File No. BPCT-345; for construction permits.

Whereas, the above-entitled applications are presently scheduled to be heard on July 19, 1948, at Pittsburgh, Pennsylvania; and

Whereas, a petition has been filed in the matter of the amendment of § 3.606 of the Commission's rules and regulations (Docket Nos. 8975 and 8736) requesting the addition of a television channel to the Pittsburgh area;

*It is ordered*, This 9th day of July, 1948, that the said hearing on the above-entitled applications be, and it is hereby, continued indefinitely pending termination of the proceeding in the matter of the amendment of § 3.606 of the Commission's rules and regulations (Docket Nos. 8975 and 8736) pursuant to paragraph 2 of the public notice dated May 21, 1948, entitled "Procedure Governing Holding of Television Hearings".

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-6571; Filed, July 21, 1948;  
8:58 a. m.]

LAREDO BROADCASTING CO.

#### PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL<sup>1</sup>

The Commission hereby gives notice that on May 24, 1948, there was filed with it an application (BTC-658) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Laredo Broadcasting Company licensee of AM station KPAB and permittee of FM station KAIR, Laredo, Texas from Howard W. Davis and J. K. Beretta to Mark Perkins. The proposal to transfer control arises out of a contract of April 16, 1948, pursuant to which Howard W. Davis and J. K. Beretta, as owners of the entire capital stock of Laredo Broadcasting Company, consisting of 100 shares, held in equal amounts, propose to sell all their rights, title and interest in said stock to Mark Perkins. The consideration is the sum of \$80,000, of which \$25,000 is to be deposited to the credit of Howard W. Davis and J. K. Beretta in the D. & A. Oppenheimer, Bankers, Bank of San Antonio, Texas, as of the date of the agreement. Twenty-seven thousand five hundred dollars is to be paid in cash by Perkins to Davis and Beretta twenty days after written consent of the Commission is granted. The remaining balance is to be divided into three notes of equal amounts, to be dated twenty days after the approval of the Commission, and which will bear interest at 6%, with one note being due at the end of one year, the second note due at the end of two years, and the third note due in three years. The notes will be secured by collateral of the then market value of the face of said notes. It is further agreed that effective as of the date of the agreement, Davis and Beretta will cause Perkins to be employed as manager of station KPAB, and that

<sup>1</sup> Section 1.321, Part 1, Rules of Practice and Procedure.

Perkins shall be entitled to the profits and shall be responsible for the losses, if any, which may be incurred during such management if consent of the Commission is granted to the transfer of control of Laredo Broadcasting Company. In the event that consent of the Commission is not granted by December 31, 1948, the \$25,000 down payment which has been deposited to the credit of Davis and Beretta shall be returned to Perkins, less any losses which may be suffered by station KPAB during the tenure of his management. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant that starting on July 1, 1948, notice of the filing of the application would be inserted in the Laredo Time a newspaper of general circulation at Laredo, Texas in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from July 1, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; U. S. C. 310 (b))

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-6572; Filed, July 21, 1948;  
8:58 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. E-6149]

MINNESOTA POWER AND LIGHT CO. AND  
SUPERIOR WATER, LIGHT AND POWER CO.

NOTICE OF ORDER CONSENTING TO WITH-  
DRAWAL OF RATE SCHEDULES AND TER-  
MINATING PROCEEDING

JULY 17, 1948.

Notice is hereby given that, on July 16, 1948, the Federal Power Commission issued its order entered July 16, 1948, in the above-designated matter, consenting to withdrawal of Supplements Nos. 3 and 4 to Minnesota's Rate Schedule FPC No. 6 and Supplements Nos. 1 and 2 to Superior's Rate Schedule FPC No. 3, and terminating the proceeding instituted by the order of June 9, 1948, fixing date of hearing to be held commencing on July 26, 1948.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-6530; Filed, July 21, 1948;  
8:48 a. m.]

[Docket Nos. G-1080, G-1003]

UNITED NATURAL GAS CO. AND TEXAS  
EASTERN TRANSMISSION CORP.

ORDER CONSOLIDATING PROCEEDINGS AND  
FIXING DATE FOR HEARING

Upon consideration of the application filed July 13, 1948, by United Natural Gas Company (Applicant), a Pennsylvania corporation with its principal place of business at Oil City, Pennsylvania, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Texas Eastern Transmission Corporation to furnish and sell additional gas to Applicant at the point of connection of Applicant's 20-inch line near Wind Ridge, Greene County, Pennsylvania, as described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

(a) It is necessary and desirable in the public interest that a hearing be held respecting the matters involved and the issues raised by such application;

(b) Good cause exists for consolidating the proceedings to be held in Docket No. G-1080 with proceedings in Docket No. G-1003 for the purpose of hearing; and

The Commission orders that:

(A) A public hearing be held, commencing at 10:00 a. m., e. d. s. t., on July 16, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., respecting the matters involved and the issues presented by the application;

(B) The public hearing provided for in paragraph (A) above be and the same is hereby consolidated for hearing with the matters involved in Docket No. G-1003;

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: July 16, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-6528; Filed, July 21, 1948;  
8:48 a. m.]

[Docket No. G-1057]

PENN-YORK NATURAL GAS CORP.

NOTICE OF ORDER APPROVING WITHDRAWAL  
OF RATE SCHEDULE AND TERMINATING  
PROCEEDING

JULY 17, 1948.

Notice is hereby given that, on July 17, 1948, the Federal Power Commission issued its order entered July 16, 1948, in the above-designated matter, approving withdrawal of Supplement No. 1 to Penn-York's Rate Schedule FPC No. 11 and terminating the proceedings instituted by the order of July 7, 1948, fixing date of hearing to be held commencing on July 21, 1948.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-6529; Filed, July 21, 1948;  
8:48 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1054]

CHICAGO, MILWAUKEE, ST. PAUL &  
PACIFIC RAILROAD CO.

FINDINGS AND ORDER GRANTING EXTENSION  
OF UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of July A. D. 1948.

The San Francisco Stock Exchange pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Voting Trust Certificates for common stock, no par value, of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is registered and listed on the Chicago Stock Exchange and the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the San Francisco Stock Exchange is the State of California; that out of Voting Trust Certificates outstanding representing 2,123,214 shares of no par value common stock, certificates representing 75,604 shares are owned by 729 holders in the vicinity of the San Francisco Stock Exchange; and that in the vicinity of the San Francisco Stock Exchange there were 730 transactions in certificates representing 72,461 shares during the period from March 1, 1947 to February 28, 1948.

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the San Francisco Stock Exchange for permission to extend unlisted trading privileges to Voting Trust Certificates representing the no par value common stock of Chicago, Milwaukee, St. Paul & Pacific Railroad Co. be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 48-6545; Filed, July 21, 1948;  
8:51 a. m.]

[File No. 7-1055]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC  
RAILROAD CO.FINDINGS AND ORDER GRANTING UNLISTED  
TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of July A. D. 1948.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Voting Trust Certificates for Preferred Series A Stock of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is registered and listed on the Chicago Stock Exchange and the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the San Francisco Stock Exchange is the State of California; that out of voting trust certificates outstanding representing a total of 1,121,740 shares of Series A Preferred Stock, \$100 Par Value, certificates representing 77,214 shares of this security are owned by 1,210 holders in the vicinity of the San Francisco Stock Exchange; and that in the vicinity of the San Francisco Stock Exchange there were 898 transactions in these certificates representing 48,557 shares of this stock during the period from March 1, 1947 until February 28, 1948;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the San Francisco Stock Exchange for permission to extend unlisted trading privileges to the Voting Trust Certificates representing Series A Preferred Stock, \$100 Par Value, of Chicago, Milwaukee, St. Paul & Pacific Railroad Co. be, and the same is, hereby granted.

By the Commission:

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-6544; Filed, July 21, 1948;  
8:51 a. m.]

[File No. 70-1633]

PHILADELPHIA CO. ET AL.

SUPPLEMENTAL ORDER GRANTING AND PER-  
MITTING AMENDED APPLICATION-DECLARA-  
TION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its

office in the city of Washington, D. C., on the 16th day of July 1948.

In the matter of Philadelphia Company, Pittsburgh and West Virginia Gas Company, Equitable Gas Company, Finleyville Oil and Gas Company. File No. 70-1633.

The Commission having on June 30, 1948 entered its findings, opinion and order in the above-entitled matter, granting the joint application therein, as amended, and permitting the joint declaration therein, as amended, to become effective, subject to certain terms and conditions including the following condition:

2. The sum of \$14,000,000 proposed to be paid to Philadelphia Company out of the proceeds of the sale of First Mortgage Bonds by Equitable shall be applied by Philadelphia Company solely to the reduction of its presently outstanding debt in an appropriate manner not in contravention of the provisions of the act, or the rules, regulations, or orders thereunder, jurisdiction to pass upon such application of proceeds being hereby specifically reserved.

Applicants-declarants having filed Amendment No. 5 to said joint application-declaration proposing that Philadelphia Company will apply said \$14,000,000, together with cash from its treasury, to the redemption by lot of \$13,477,000 principal amount of its outstanding 4 1/4% Collateral Trust Sinking Fund Bonds, in accordance with the provisions of the Indenture securing such Bonds, at their principal amount and accrued interest to the date of redemption plus the premium of 3 3/8% of such principal amount specified in such Indenture, said proposal being made subject to the condition that the Commission authorize Philadelphia Company, upon the redemption of such Bonds: (a) To charge to its Earned Surplus since January 1, 1940, the unamortized portion of debt, discount and expense allocated to said Bonds redeemed, and (b) to determine the amount to be set aside from its earnings and credited in its accounts to "Reserve for Revaluation of Assets" for each annual period, including the period in which said Bonds are redeemed, under the formula set forth in its Form U-A filed June 9, 1941, at File No. 70-324, on the same basis that such amount would have been determined had the maturity of said Bonds not been accelerated; and

Applicant-declarants having further submitted to the Commission a Stipulation executed on behalf of the Applicants-declarants and all stockholder groups participating in these proceedings, consenting to the entry of an Order as requested by Philadelphia Company and agreeing to be bound by such Order; and

It appearing to the Commission that the transactions proposed in said Amendment No. 5 satisfy applicable provisions of the act and rules thereunder and that it is appropriate in the public interest and the interest of investors and consumers to grant and permit to become effective said amended application-declaration, as amended by Amendment No. 5:

It is hereby ordered, That the said amended joint application-declaration, as amended by Amendment No. 5, pro-

posing the use by Philadelphia Company of the \$14,000,000 to be paid to Philadelphia Company out of the proceeds of the sale of First Mortgage Bonds by Equitable, as set forth in said Amendment No. 5 be, and the same is, granted and permitted to become effective forthwith; and Philadelphia Company is authorized, upon the redemption of its Bonds as provided in said amendment, (a) to charge to its Earned Surplus since January 1, 1940, the unamortized portion of debt, discount and expense allocated to said Bonds redeemed, and (b) to determine the amount to be set aside from its earnings and credited in its accounts to "Reserve for Revaluation of Assets" for each annual period, including the period in which said Bonds are redeemed, under the formula set forth in its Form U-A filed June 9, 1941, at File No. 70-324, on the same basis that such amount would have been determined had the maturity of said Bonds not been accelerated; and It is further ordered, That said order of June 30, 1948, is continued in full force and effect except as expressly modified hereby.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-6547; Filed, July 21, 1948;  
8:51 a. m.]

[File No. 70-1853]

NATIONAL FUEL GAS CO. ET AL.

SUPPLEMENTAL ORDER RELEASING  
JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of July 1948.

In the matter of National Fuel Gas Company, United Natural Gas Company, Iroquois Gas Corporation. File No. 70-1853.

National Fuel Gas Company ("National"), a registered holding company, and its gas utility subsidiaries, United Natural Gas Company ("United") and Iroquois Gas Corporation ("Iroquois"), having filed a joint application-declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, regarding, inter alia, the issuance and sale by National pursuant to the competitive bidding requirements of Rule U-50 of \$13,500,000 principal amount of its --% Sinking Fund Debentures due 1973; and

The Commission by order dated June 30, 1948, having granted said application-declaration, as amended, subject to the condition, among others, that the proposed sale of debentures shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding, and a further order shall have been entered in the light of the record so completed; and jurisdiction having been reserved over the payment of all legal fees and expenses in connection with the proposed transactions; and

National having, on July 15, 1948, filed a further amendment to said application in which it is stated that it has

offered the debentures for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidder	Price to National	Interest rate	Cost to National
	Percent	Percent	Percent
Blyth & Co., Inc.	101.27	3	2.9280
The First Boston Corp.	100.89	3	2.9494
Halsey Stuart & Co., Inc.	100.4099	3	2.9766
Harriman Ripley & Co., Inc.	101.817	3 1/4	3.0209
White, Weld & Co.	101.7591	3 1/4	3.0242

The amendment further stating that National has accepted the bid of Blyth & Co., Inc. for the debentures as set forth above and that the debentures will be offered for sale to the public at a price of 101.769% of the principal amount thereof, resulting in an underwriter's spread of 0.499%; and

The legal fees and expenses proposed to be incurred in connection with the proposed transactions, including the sale of debentures, having been estimated as follows:

Stryker, Tams & Horner, counsel for National	\$10,000
Gifford, Graham, MacDonald & Illig, local counsel	1,500
Kenefick, Cooke, Mitchell, Bass & Letchworth, local counsel	4,000
Brooks, Cromarty & Baker, local counsel	500
Cahill, Gordon, Zachry & Reindel, counsel for bidders	10,000

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said debentures, the redemption prices thereof, the interest rate thereon and the underwriter's spread; and

It appearing that the proposed legal fees and expenses are not unreasonable and that jurisdiction with respect thereto should be released:

*It is hereby ordered,* That jurisdiction heretofore reserved in connection with the sale of said debentures be, and the same hereby is, released, and that the said application, as further amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

*It is further ordered,* That jurisdiction heretofore reserved over the legal fees and expenses in connection with the proposed transactions be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 48-6541; Filed, July 21, 1948;  
8:50 a. m.]

[File No. 70-1883]

ILLINOIS POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its

office in the city of Washington, D. C., on the 15th day of July 1948.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to sections 6, 7, and 12 of the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder by Illinois Power Company ("Illinois"), a registered holding company and a public utility subsidiary of North American Light & Power Company and The North American Company, both registered holding companies.

Notice is further given that any person may, not later than July 26, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters stating the reasons for such request, the nature of his interest, and the issues of law or fact raised by said application-declaration which he desires to controvert or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 16, 1948 said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized below:

Illinois proposes to call for redemption, on 30 days' notice, all its outstanding 345,049 shares of 5% Cumulative Convertible Preferred Stock, \$50 par value, at the call price of \$52.50 per share. Each share of preferred stock is, by its terms, convertible at any time into two shares of common stock. Illinois also proposes to issue and sell 690,098 additional shares of its common stock. The Company proposes to have the issuance and sale of the common stock underwritten through an agreement which will cover a commitment to purchase any shares of common stock which are not issued in conversion of the preferred stock prior to the redemption date and has requested an exemption from the competitive bidding requirements of Rule U-50. The proceeds of any shares of common stock sold to the underwriters will be used to redeem any preferred stock which is not converted and for construction.

It is represented that the Illinois Commerce Commission has jurisdiction with respect to the proposed transactions.

Illinois has requested that the Commission's order granting and permitting effectiveness to the application-declaration be issued as promptly as possible and become effective on the date of issuance.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 48-6543; Filed, July 21, 1948;  
8:51 a. m.]

[File Nos. 70-1887, 70-1888]

STANDARD GAS AND ELECTRIC CO. AND  
WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of July 1948.

Notice is hereby given that separate applications-declarations have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Standard Gas and Electric Company ("Standard"), a registered holding company, and by its subsidiary, Wisconsin Public Service Corporation ("Public Service"), a public utility company. Standard has designated sections 9, 10 and 12 of the act as applicable to the transactions which it proposes; Public Service has designated section 6 (b) of the act and the provisions of Rules U-43 and U-50 (a) (3) as applicable to the transactions which it proposes.

Notice is further given that any interested person may, not later than July 26, 1948 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said applications-declarations proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such applications-declarations, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said applications-declarations, which are on file in the offices of this Commission for statements of the transactions therein proposed which are summarized as follows:

Standard, presently owning all of the issued and outstanding Common Stock, par value \$10 per share, of Public Service, consisting of 1,200,000 shares, proposes to acquire from Public Service for a cash consideration of \$1,750,000, and Public Service proposes to issue and sell to Standard for cash at par, an additional 175,000 shares of such Common Stock. It is proposed that such issuance and acquisition shall occur in two steps: \$1,000,000 par amount to be issued by Public Service and acquired by Standard on or before July 30, 1948, and the remaining \$750,000 par amount to be issued by Public Service and acquired by Standard concurrently with the closing of the bond transaction hereinafter described. The proposed transactions will be a part of the permanent financing program of Public Service for the year 1948, which contemplates the issuance and sale of \$5,250,000 of its First Mortgage Bonds, Series due August 1, 1978, and 175,000 shares of its Common Stock, as aforesaid. Public Service states

that it proposes subsequently to file a separate application-declaration with reference to the proposed bond issuance and sale.

Standard, upon the acquisition by it of the said additional 175,000 shares of Common Stock of Public Service, proposes to pledge such shares with Continental Illinois National Bank and Trust Company of Chicago, as pledges under the Bank Loan Agreement of Standard, dated December 21, 1945, as supplemented or amended by supplemental agreements dated February 15, 1946 and April 5, 1946.

Standard represents that it desires to consummate the transactions proposed for the purpose of providing Public Service with additional permanent capital and to increase the amount of the equity capital of that company. Public Service represents that it desires to consummate the transactions on its part to finance permanently a portion of its 1948 construction expenditures, and to pay current bills as they become due.

Public Service states that the Public Service Commission of Wisconsin has approved the proposed issuance and sale of its common stock and that said Commission is the only State Commission having jurisdiction over the proposed transaction and that no Federal commission other than the Securities and Exchange Commission has jurisdiction.

Applicants-declarants request that the Commission's order with respect to the transactions proposed be issued by July 27, 1948.

By the Commission.

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 48-6542; Filed, July 21, 1948;  
8:51 a. m.]

[File No. 812-554]

NEWMONT MINING CORP. ET AL.

#### NOTICE OF APPLICATION

In the matter of Newmont Mining Corporation, Idarado Mining Company, Sanray Mining Company. File No. 812-554.

At a regular session of the Securities and Exchange Commission held at its offices in Washington, D. C., on the 16th day of July A. D. 1948.

Notice is hereby given that Newmont Mining Corporation of 14 Wall Street, New York, New York, a closed-end non-diversified management company registered under the Investment Company Act of 1940, has filed an application pursuant to section 17 (b) of the act for an order exempting from the provisions of section 17 (a) of the act a proposed transaction whereby Idarado Mining Company ("Idarado") of Ouray, Colorado, an affiliated person of the Applicant would purchase from the Applicant 100,000 shares of the capital stock of Sanray Mining Corporation ("Sanray") for \$125,000.

It appears from the application that Idarado, a Delaware corporation, has outstanding 1,755,000 shares of capital stock, of which the Applicant owns

89.9% or 1,576,201 shares. Idarado is also indebted to the Applicant in the amount of \$595,000 on open account. Sanray, a Delaware corporation, has outstanding 100,000 shares of capital stock, all of which are owned by the Applicant and were acquired by it at a total cost of \$125,000.

It further appears that Idarado owns certain mining property situated in Ouray and San Miguel Counties of Colorado, including the Treasury Tunnel. It also owns other groups of mining claims, including claims believed to cover what is known as the Ajax vein for a distance of approximately 6,300 feet on its strike. Idarado owns a complete mining and milling plant and is presently engaged in mining, extracting, and treating mineral bearing ores of a commercial grade from its properties. The Treasury Tunnel extends throughout the length of Idarado's property and into the adjoining property of Sanray, providing access, drainage, and ventilation for all of said property. Sanray also owns certain mining properties in Ouray and San Miguel Counties which are in part contiguous to the property of Idarado and through the Treasury Tunnel are readily accessible and can be readily worked as an integral part of the existing mining operation of Idarado with the same plant, staff, power and other facilities. That portion of the properties of Sanray covering the Ajax vein lies between the properties of Idarado now accessible and operated through the Treasury Tunnel and the properties of Idarado covering the Ajax vein. It also appears from the application that no actual mining operations have been or are being conducted by Sanray on its properties, except for some preliminary underground exploration work which is insufficient to provide the basis for an estimate of ore reserves but indicates that the Ajax vein extends through certain Sanray claims and that the mineralization encountered justifies further exploration. The Applicant represents that both properties should be operated as a unit.

It further appears from the application that the Applicant has proposed to Idarado that the latter purchase the 100,000 shares of Sanray stock held by the Applicant for \$125,000, thereafter liquidate Sanray, and include all of the Sanray property as part of the Idarado mine. The Applicant also proposes to lend to Idarado \$125,000 to enable the latter to make the purchase. Idarado proposes to accept such offer, and dissolve Sanray and to integrate the Sanray properties with its own.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after July 27, 1948, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than July 23, 1948, at 5:30 p. m., submit in writing to

the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, N. W., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 48-6546; Filed, July 21, 1948;  
8:51 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11536]

KATHE BREMER MUFFLER

In re: Claim of Kathe Bremer Muffler, also known as Katchen Bremer Muffler, and as Kate Bremer Muffler, and Peter Bremer. F-28-23805-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kathe Bremer Muffler, also known as Katchen Bremer Muffler, and as Kate Bremer Muffler, whose last known address is Dorotheenstrasse 15, Munchen 58, Germany, and Peter Bremer, whose last known address is Geldernschestrass 46, Krefeld, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain claim against the Superintendent of Banks, State of Ohio, as liquidator of The Guardian Trust Company, Room 1436 Guardian Building, P. O. Box 6537, Cleveland 1, Ohio, and/or The Guardian Trust Company, in liquidation, said claim represented by a Certificate of Claim numbered 13-175 and representing that portion of the proceeds of liquidation of the aforesaid trust company allocable to a savings account therein numbered 12321, entitled Maria Bremer, and any and all rights in and under said claim, including, but not limited to, the right to collect dividends thereunder numbered 5, 6 and 7, in the amounts of \$101.87, \$101.87 and \$50.93, respectively, and the right to receive any future payments thereunder,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kathe Bremer Muffler, also known as Katchen Bremer

Muffler, and as Kate Bremer Muffler, and Peter Bremer, the aforesaid nationals of a designated enemy country (Germany); and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-6580; Filed, July 21, 1948;  
9:00 a. m.]

[Vesting Order 11541]

SAMY TAKAICHI SAKURAI

In re: Stock and a bank account owned by Samy Takaichi Sakurai, also known as Ryuichi Sakurai, Takaichi Sakurai, Samy Sakurai, S. T. Sakurai, and as Takaichi R. Sakurai. F-39-5210-A-1; F-39-5210-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Samy Takaichi Sakurai, also known as Ryuichi Sakurai, Takaichi Sakurai, Samy Sakurai, S. T. Sakurai, and as Takaichi R. Sakurai, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Two thousand (2000) shares of common capital stock of Callahan Zinc-Lead Company, Inc., Room 8201, Empire State Building, New York 1, New York, a corporation organized under the laws of the State of Arizona, evidenced by certificates numbered H26704/23 for one hundred (100) shares each, registered in the name of Samy Sakurai, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Samy Takaichi Sakurai, also known as Ryuichi Sakurai, Takaichi Sakurai, Samy Sakurai, S. T. Sakurai, and as Takaichi R. Sakurai, by California Bank, 625 South, Spring Street, Los Angeles 54, California, arising out of a

Savings Account, account number 22700, entitled S. T. Sakurai, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-6581; Filed, July 21, 1948;  
9:00 a. m.]

[Vesting Order 11603]

HUBERT BISINGER

In re: Estate of Hubert Bisinger, also known as Hubert G. Bisinger, also known as Hubert A. G. Bisinger, also known as Al Bisinger and Hubert Gustav Bisinger, deceased. File No. D-28-11746; E. T. sec. 15945.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrude Bisinger, whose last known address was, on July 1, 1947, Hungary, was on such date a resident of Hungary and a national of a designated enemy country (Hungary);

2. That Elsa Jacob, Honor Bisinger, Agnes Bisinger and Tilly Bisinger, whose last known address was, on July 1, 1947, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

3. That the sum of \$871.98 was paid to the Attorney General of the United States by Henry L. Sinclair, Administrator of the Estate of Hubert Bisinger, also known as Hubert G. Bisinger, as Hubert A. G. Bisinger, as Al Bisinger and as Hubert Gustav Bisinger, deceased;

4. That the said sum of \$871.98 was accepted by the Attorney General of the United States on July 1, 1947, pursuant to the Trading With the Enemy Act, as amended;

5. That the said sum of \$871.98 is presently in the possession of the Attorney General of the United States and was property in the process of administration by the aforesaid Henry L. Sinclair, Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco, which was payable or deliverable to, or claimed by, the aforesaid nationals of designated enemy countries (Hungary and Germany);

and it is hereby determined:

6. That to the extent that the person named in subparagraph 1 hereof was not within a designated enemy country on July 1, 1947, the national interest of the United States required that such person be treated as a national of a designated enemy country (Hungary) on such date;

7. That to the extent that the persons named in subparagraph 2 hereof were not within a designated enemy country on July 1, 1947, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 48-6583; Filed, July 21, 1948;  
9:01 a. m.]

[Vesting Order 11549]

LEOPOLD WURST

In re: Stock owned by Leopold Wurst. F-28-23474-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leopold Wurst, whose last known address is Neuerwall 46, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Thirteen (13) shares of \$50.00 par

value common capital stock of Anaconda Copper Mining Company, 25 Broadway, New York, New York, a corporation organized under the laws of the State of Montana, evidenced by Certificate number 204643, registered in the name of Leopold Wurst, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-6582; Filed, July 21, 1948;  
9:01 a. m.]

[Vesting Order 11534]

#### OTTO KUTSCH

In re: Bonds owned by and debts owing to Otto Kutsch. F-28-11791-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Kutsch, whose last known address is Krefeld, Verdingen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Two (2) City of Elmhurst, Illinois. Special Assessment Improvement Bonds of \$1,000.00 face value each, bearing the numbers A11385 and A11386, issued in bearer form, and presently in the custody of The Milliken National Bank of Decatur, 100 North Water Street, Decatur, Illinois, together with any and all rights thereunder and thereto.

b. These certain debts or other obligations evidenced by two (2) money orders, payable to Otto Kutsch, numbered, dated and in the amounts as listed below:

Money order Nos.	Date	Amount
20832	Nov. 21, 1944	\$58.65
49817	July 23, 1946	98.78

and presently in the custody of The Milliken National Bank of Decatur, 100 North Water Street, Decatur, Illinois, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with all rights in, to and under the aforesaid money orders, and

c. That certain debt or other obligation, owing to Otto Kutsch, by The Milliken National Bank of Decatur, 100 North Water Street, Decatur, Illinois, in the

amount of \$9.28, as of March 15, 1948, arising out of payments on those certain bonds referred to in subparagraph 2 (a) hereof, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-6508; Filed, July 20, 1948;  
8:55 a. m.]